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# REPLICATING THE MASSACHUSETTS BANK REPORTING PROJECT

## A GUIDE FOR OTHER STATES

GOVERNMENT DOCUMENTS  
COLLECTION

APR 19 1999

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*Argo Paul Cellucci, Governor*

*Lillian Glickman, Secretary*

**The Executive Office of Elder Affairs  
COMMONWEALTH OF MASSACHUSETTS**





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Dear Friend:

As you know, the incidence of financial exploitation of elders and vulnerable adults is growing nationally. Fraudulent telemarketing schemes and unscrupulous scam artists increasingly target elders, resulting in enormous financial losses for the unwary. For individuals whose loved and trusted family members make illegal or improper use of their resources, the damage can be emotional as well as financial. Financial exploitation can occur at all income levels. With savings and income severely depleted, many elders and vulnerable adults can lack the resources to buy food or medical care. They may be placed at risk due to an inability to maintain their homes, or face eviction and homelessness due to failure to pay the rent.

Financial institutions and their employees are in an excellent position to form one of the first lines of defense against financial exploitation and to play a primary role in prevention. In 1996, Massachusetts was the first state to institute comprehensive state-wide training of bank employees through the groundbreaking Massachusetts Bank Reporting Project. The Project developed a simple and efficient model Protocol for banks to report abuse to the appropriate authority. The overwhelming success we have enjoyed was due largely to our collaborative interagency approach, and our close partnership with the private banking community.

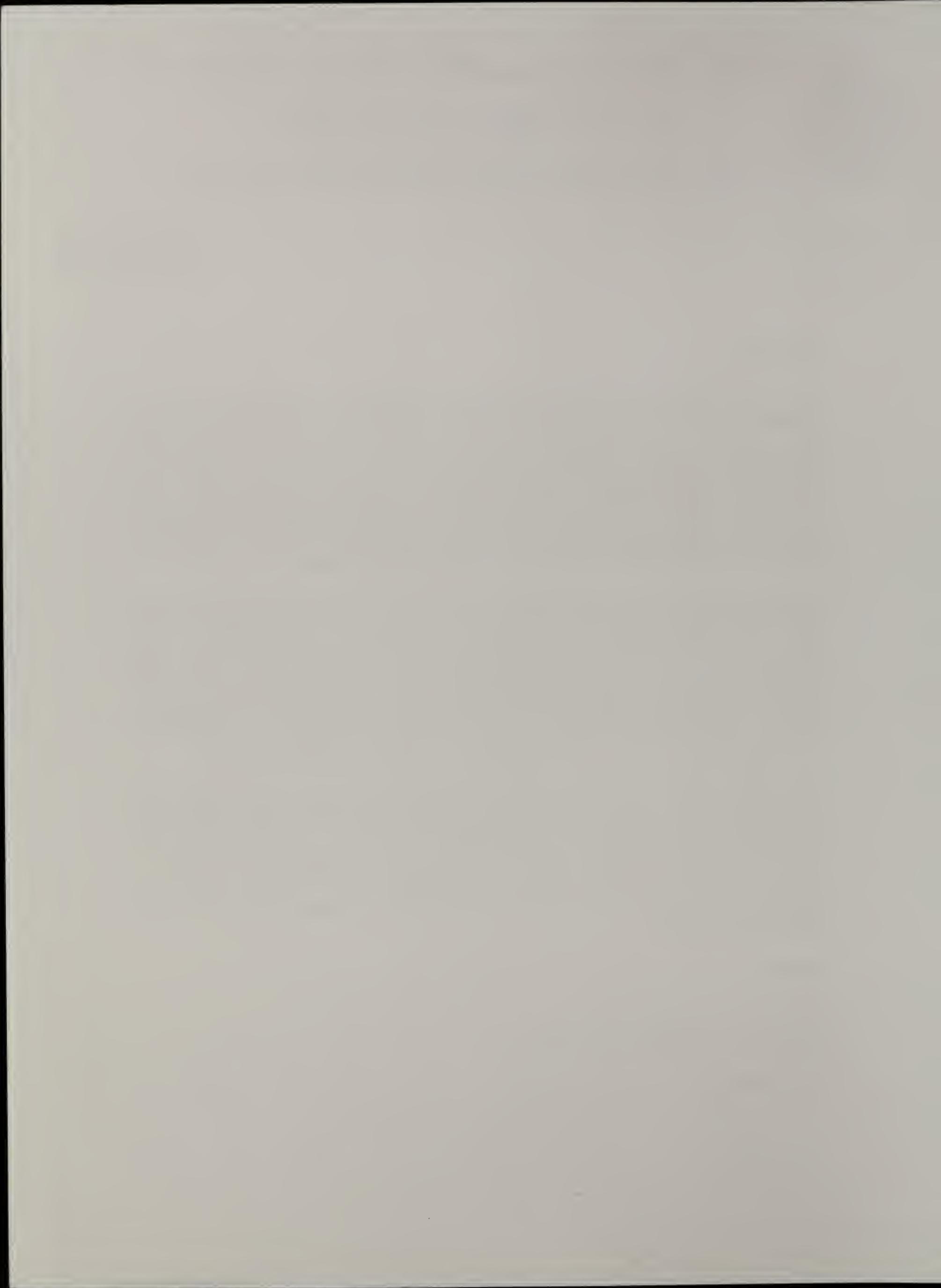
Many of the concerns we addressed in implementing the Massachusetts Project are also being raised in other states. The established record of the Massachusetts initiative should prove invaluable to others interested in replicating or adapting our model. I encourage other states to join us in educating the financial industry nationally about this devastating type of abuse. A commitment to the prevention of financial exploitation, and a swift and comprehensive response, is imperative to ensure the safety and well-being of elders and other vulnerable members of our society.

Sincerely,

A handwritten signature in cursive ink that reads "Lillian Glickman".

Lillian Glickman





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Programs supported by government sponsorship are encouraged to express freely their findings and conclusions. Points of view or opinions contained within this document are those of the author, and do not necessarily represent the official position or policies of the Administration on Aging or the U.S. Department of Justice.

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# INTRODUCTION

## SUMMARY

Announced to the public in February 1996, the Massachusetts Bank Reporting Project is a collaborative public/private statewide initiative to prevent elder financial exploitation. Led by the Executive Office of Elder Affairs (EOEA), it joined the resources of other government agencies: the Office of the Attorney General's Elderly Protection Project (OAG), the Executive Office of Consumer Affairs (EOCA), and the Division of Banks (DOB) in a collaborative interagency effort.

The Bank Reporting Project worked with the Massachusetts Bankers Association (MBA) and members of the private banking community to develop a Protocol for reporting elder financial exploitation to the appropriate authority. One hundred and sixty-nine (169) banks in Massachusetts are voluntarily participating in the Project. Project participation entails: reporting cases of exploitation or other types of abuse to Elder Protective Services or law enforcement; cooperating with investigations; and initiating components of a range of preventative measures. One such measure is the distribution of a consumer brochure developed by the Project. Financial institutions have purchased over 221,000 brochures for distribution, to date.

Two training manuals have also been published: The Trainer Reference Manual and the more concise Employee Training Manual. The Project has conducted comprehensive statewide training for employees of financial institutions using a Train-the-Trainer model. To date, over 2,000 bank personnel, including management, security or bank trainers, have received training directly from the Project. Through our Train-the-Trainer model, many other employees, tellers and customer service representatives, have also received training.

## I. THE PURPOSE OF THIS GUIDE

### 1. WHAT IS THE MASSACHUSETTS BANK REPORTING PROJECT?

- **A collaborative public/private partnership**

The Massachusetts Bank Reporting Project is the first statewide public/private partnership to prevent elder financial exploitation. The Project educates bank employees to recognize instances of financial exploitation, and other types of abuse, and report them to the appropriate authority.

Led by the Executive Office of Elder Affairs (EOEA), the Massachusetts Bank Reporting Project collaborated with other government agencies: the Office of the Attorney General's Elderly Protection Project (OAG), the Executive Office of Consumer Affairs (EOCA) and the Division of Banks (DOB) in a bipartisan interagency initiative.

The Project also joined forces with the Massachusetts Bankers Association (MBA) and members of the private banking community to develop a Protocol for reporting which was responsive to the needs of the industry. Financial institutions also contributed to the development of additional preventative measures to protect customers.

- **A voluntary commitment by the banking community to prevent elder abuse**

Employees of financial institutions are not mandated reporters of elder abuse in Massachusetts.

Before the Project was implemented few reports were received from this segment of the community. When reports were made, bank employees were nervous about breaching bank policy safeguarding the release of confidential customer financial information.

- **Active participation**

Announced to the public in February 1996, one hundred and sixty-nine (169) banks are now actively participating in the Project.

Project participation entails:

- Reporting suspected financial exploitation or other types of abuse to Elder Protective Services or law enforcement, as appropriate;*
- Training employees to identify abuse and exploitation;*
- Cooperating with investigations in releasing information to Elder Protective Services with the consent of the elder; and*
- Preventing elder abuse by implementing various measures developed in conjunction with the Project.*

- **A way to combat a growing problem**

We believe that financial exploitation of elders and vulnerable adults is a significant problem which demands a comprehensive response. Prevention and quick responses to this problem also necessitate active cooperation by the banking industry. Bank involvement, not only in reporting suspicions of abuse, but also during investigation, is crucial for effective intervention. It is hard to gain the cooperation of the industry without a concerted effort.

### 2. WHY PUBLISH A GUIDE FOR OTHER STATES?

- **The first statewide initiative**

We are the first state to institute an initiative of this scope, and have enjoyed considerable success. While we were researching the Project, we discovered several excellent programs for educating banks about preventing the financial exploitation of elders and vulnerable adults in other states. Developed on a local or county level by human service agencies, they were of considerable assistance to us.<sup>1</sup> We also want to share what we learned with others.

- **Similar issues arise in other states**

Conversations with other professionals, both in human services and in the financial industry, indicate that they are experiencing similar difficulties to those we dealt with in planning and implementing the Project. Across the nation, people report that individual banks or personnel are sympathetic, but often raise concerns, especially about exposing the bank to potential liability in reporting elder abuse.

In setting up a bipartisan coalition of government agencies we encountered some tensions. Gaining the cooperation and active participation of the financial industry, and generating their interest in developing proactive measures of prevention, proved difficult and took longer than we expected.

- **Goal of the GUIDE**

Our primary goal in writing this guide is to provide assistance to Adult Protective Services programs in other states who share our interest

in reducing the incidence of elder and vulnerable adult financial exploitation. We hope that others can:

- a. *Learn from our experiences.* We learned much about working with bank organizational structure in the course of the Project. We also made mistakes. We want to pass on what we learned in the hope that others will benefit from seeing what worked and what did not.
- b. *Address problems in advance.* We took considerable time to address bank concerns about breaches of customer confidentiality and liability in reporting. We hope that our solutions will be accepted by bankers in other states.
- c. *Replicate or adapt our model.* Our model is for a statewide program, and we strongly encourage other states to attempt initiatives on this scale. We believe, however, that the Project is equally suited to a local or regional scale. Pilot programs, modeled after our own pilots, can lead to more comprehensive actions in the future.

### 3. ORGANIZATION OF THE GUIDE

- **Clarity, readability, and candor**

The Guide aims for clarity, readability, and candor about the process of developing the Project. It is divided into this introduction and seven sections.

Problems, both anticipated and unexpected, we encountered are discussed frankly. There are straightforward descriptions of tensions that arose; how these were dealt with, and why decisions and certain modifications to initial plans were made.

<sup>1</sup> A complete listing of these initiatives and individuals can be seen in the acknowledgments section of the Trainer Reference Manual © Massachusetts Bank Reporting Project, 1995.

- **The “Sections”**

Following this Introduction, the first five sections are organized chronologically, reflecting stages in the progress we made. Each of these five sections contains:

- A summary of our activities;*
- A narrative detailing our experiences;*
- A “Keys to Success” chart.* An analysis of what we think worked, the factors involved, and the implications for other states to consider while attempting to replicate our model.

Section VI, contains the Project evaluation. Section VII addresses some issues related to changes in the financial industry and final “Keys to Success” in Project replication.

- **What does the Guide cover?**

Issues covered include:

- Differing expectations and attitudes* between public and private sectors;
- The modification of plans* to respond to the needs of financial institutions while retaining consistency with goals;
- Realistic (and unrealistic) timelines* for accomplishing goals;
- Concerns raised by banks* about breaches of customer confidentiality in reporting;
- The advantages and disadvantages* of voluntary (not mandated) reporting; and
- Tensions arising* in public/private inter-agency collaborations.

## II. PROJECT OVERVIEW

### 1. THE GOALS OF THE PROJECT

The goals of the Massachusetts Bank Reporting Project are to establish a commitment to prevention, and a rapid response by financial institutions to elder financial exploitation. The Project educates employees of financial institutions and their customers about elder financial exploitation, and provides a simple and effective model Protocol for reporting. Bank personnel can then report suspicious situations to the relevant investigative agency quickly.

Swift investigation and intervention in cases of financial exploitation are essential to protect the financial security of vulnerable adults. The Project encourages enhanced cooperation between financial institutions, elder protective services and law enforcement in Massachusetts.

### 2. THE NEED

- **The Elder Abuse Reporting Law**

When the Massachusetts reporting law went into effect in 1983, elder abuse was defined as physical or emotional injury to an elder, or neglect. In 1990, recognizing the prevalence of financial exploitation, the statute was amended to include this as a type of abuse. Elder abuse is broadly defined as: "An act or omission which results in serious physical or emotional injury to an elderly person, or financial exploitation of an elderly person."<sup>2</sup>

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<sup>2</sup>See Appendix A. Massachusetts General Law, Chapter 19A, sections 14-26.

By 1994, when the Project began, Massachusetts found that, consistent with other states, over 13 percent of the Protective Services caseload consisted of financial exploitation perpetrated by people known to elders as the primary type of abuse. We also believed that it was involved, together with other types of abuse, in up to 50 percent of all cases. In 1994, Protective Services received 4,913 reports of elder abuse. The number of reports received has increased by approximately 10 percent every year since the Program was founded.

We knew that all types of abuse are under-reported, and worried that caseworkers might miss cases of exploitation during investigations, due to a lack of information about financial matters.

After several years of experience, we also knew that investigating financial exploitation cases is extremely time-consuming and expensive, and that these cases are often very complicated.

Caseworkers also found it hard, in general, to work with banks. Financial institutions, we felt, frequently had the answers caseworkers needed to complete investigations, and moreover, should be reporting cases.

- **The role of banks**

Bank employees are in an excellent position to have early (and often the only) knowledge of ongoing financial abuse of vulnerable adults.

Employees frequently build up relationships with customers they see frequently, or have known for a long time. They acknowledge that they notice financial exploitation of vulnerable persons, by relatives, friends and acquaintances. They are also well informed about, and do their best to prevent, quick scams by con artists and consumer fraud which are on the increase nationally. Finally, bank employees administer

accounts, trusts and other financial assets. They possess knowledge which is invaluable in advising customers about protecting assets.

Unfortunately, banking institutions hardly ever reported these cases to protective services or law enforcement. This was partly due to the industry practice of confidentiality regarding customer affairs, and law and regulations governing the release of financial information.

### 3. PROJECT COMPONENTS

- **The model Protocol for reporting**

The Project developed a model protocol for banks to guide staff in detecting and reporting cases of elder abuse. The Protocol is simple and flexible to respond to the needs and resources of the industry.

- **The Train-the-Trainer program**

The Project provides basic training on financial exploitation, the protocol for reporting, and the Elder Protective Services system to representatives from banks throughout the state. This develops a core of instructors, mainly drawn from management and security, that return and teach their own personnel.

Project staff and local Protective Services staff are also available to assist with internal bank employee training. The train-the-trainer model has proven effective in a variety of settings, most notably in the law enforcement, health care and business communities.

- **Training materials**

Project staff developed two training manuals, a Trainer Reference Manual and a more concise version, the Employee Training Manual, for bank

trainers to use in employee training. The Trainer Reference Manual is the centerpiece of the Project's train-the-trainer program. It contains the curriculum and reference material for use after basic training.<sup>3</sup>

- **Consumer Brochures**

The Project developed a consumer brochure to educate customers about financial traps for the unwary and ways to safeguard their funds. This public education effort is an important component of any successful prevention effort.<sup>4</sup>

#### 4. PROGRESS TO DATE

The enthusiastic response of the financial community to the Project, and their subsequent requests for further training, exceeded our expectations. One hundred and sixty-nine (169)<sup>5</sup> banks in Massachusetts have voluntarily agreed to participate in the Project. These banks control assets in excess of 148 billion dollars. They represent over 1,497 branches in all areas of the state. Over 2,000 employees from these banks, mostly management and security officers, have been trained using our "train-the-trainer" model.

Banks are also educating consumers in methods of prevention through customer seminars and receptions, often in conjunction with Protective Services. All participating banks are distributing Project educational brochures, and have purchased over 221,000 through the Project for this purpose.<sup>6</sup>

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<sup>3</sup> Copies of both manuals are available through the Project. Please contact: The Massachusetts Bank Reporting Project, The Executive Office of Elder Affairs, One Ashburton Place, Boston, MA 02108.

<sup>4</sup> See Appendix B for the Consumer Brochure.

<sup>5</sup> This number is reduced from a high of 175 banks due to mergers. No bank has withdrawn from the Project to date.

<sup>6</sup> Please see Section VI for complete Project evaluation and statistics.

### III. THE MASSACHUSETTS CONTEXT

#### 1. DIFFERENCES TO OTHER STATES

Massachusetts is a small and comparatively densely populated state. It covers 8,284 square miles, and has a population of 6,016,425. Nearly 18 percent of the population is over the age of 60.<sup>7</sup>

Understanding the Massachusetts system may help in adapting the model to your needs. States vary greatly in size, population, and in the scope of legislation to protect vulnerable adults from abuse. Massachusetts differs from many other states in a division of responsibility between agencies for the protection of vulnerable adults.

- **Elder Protective Services**

Elder Protective Services are designed to help persons over the age of 60 who have an *ongoing personal relationship with the abuser*. Random assaults or incidents involving persons not known to elders are reported to the police. Elder Protective Services investigates abuse by private pay homemakers or health aides. Abuse or financial exploitation by homemakers or home health aides employed by certified agencies is reported to the employing agency.

Elder abuse is broadly defined as: "An act or omission which results in serious physical or emotional injury to an elderly person, or financial exploitation of an elderly person." All persons who are 60 years old or older and residing in the community are covered by the Elder Abuse Reporting Law.<sup>8</sup>

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<sup>7</sup> Source: 1990 U.S. Census.

<sup>8</sup> Please see Appendix A for Massachusetts General Law (MGL) Chapter 19A, sections 14-26.

- **The Disabled Persons Protection Commission (DPPC)**

Vulnerable adults between the ages of 18 and 60, who suffer abuse from caregivers and are living in the community, are protected through DPPC. DPPC has legislation pending to include financial exploitation as a form of abuse in its statute.<sup>9</sup>

- **Long term care facilities.**

Elders residing in long-term care facilities are protected by a different reporting law (MGL Chapter 111, sections 72F-72L). Reports of elder abuse are made to the Department of Public Health (DPH). DPH may investigate with the Attorney General's Medicaid Fraud Unit.

## 2. THE ELDER PROTECTIVE SERVICES SYSTEM

- **Executive Office of Elder Affairs (EOEA)**

The EOEA Protective Services Program funds and monitors a statewide system of twenty-four private non-profit designated Protective Services agencies, and a 24-hour a day Elder Abuse Hotline. Other components of the Protective Services Program are Guardianship services for a limited number of elders who have been abused or neglected, and the Elder at Risk program, which provides casework and counseling services to self-neglecting elders.

- **EOEA Staff**

Reporting directly to the Assistant Secretary for Program Management at EOEA, the Protective Services Program is staffed by a Director, three regional managers, and a coordinator of training and community education. These staff are responsible for Program policy formation and development; training field staff; and community

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<sup>9</sup> Massachusetts General Law Chapter 19C, section 1.

education and outreach on a statewide basis. They also perform data collection, monitoring and Program evaluation, and provide technical and clinical consultation to the field.

- **Designated Protective Services Agencies**

Designated Protective Services agencies provide all direct Protective Services, and perform a minimum of 15 community training sessions a year. Designated agencies include twenty-three Home Care Corporations, and one mental health agency.

- **Field Staff**

Protective Services field staff are supervisors and caseworkers hired by and reporting to the 24 designated agencies. At present, Massachusetts employs over 110 Protective Services field staff (the equivalent of approximately 90 full time employees or FTEs).

- **Mandated Reporters**

"Any person" may make a report to Protective Services, if they have "reasonable cause to believe that an elderly person is suffering from or has died as a result of abuse." The identity of the reporter is kept confidential and the reporter cannot be held civilly or criminally liable, if the report is made in good faith and the reporter is not the perpetrator of the abuse. The statute also designates some professions and occupations as mandated reporters.<sup>10</sup> No mandated reporter is liable in any civil or criminal action by reason of submitting a report to Protective Services. Some mandated reporters who fail to report, when abuse is suspected, can be subject to disciplinary action, criminal prosecution, and fined up to \$1,000. Bank employees are not mandated reporters in Massachusetts.

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<sup>10</sup> See Appendix A: Massachusetts General Law (MGL) Chapter 19A s. 15(a) for a list of mandated reporters.



## SECTION I

### THE PILOT PROJECT: “LET’S DO A PROTOCOL”

#### SUMMARY

The Springfield Institution for Savings (SIS) was first approached in 1991 with the idea of establishing a protocol for reporting. EOEA and staff from the local designated Protective Services agency, Greater Springfield Senior Services, Inc. (GSSSI) picked this bank for its size and previous record of cooperation.

It was not until the following year, however, that a real contact was made at the bank. After several meetings, the SIS Task Force was convened to work on developing a protocol. The bank agreed to initiate training of their personnel before a formal agreement was reached. This began in February 1993. Developing a formal protocol took until the summer of 1994. This protocol was extended to another Protective Services agency in the region, and both agencies experienced significantly improved working relationships with SIS.

The SIS pilot project was invaluable in reaching the rest of the financial industry. The Protocol became the basis of the Project’s statewide policies and procedures for banks to report and cooperate with Protective Services investigations of elder financial exploitation.

## I. A POLARIZED SITUATION

### 1. LEARNING HOW TO INVESTIGATE FINANCIAL EXPLOITATION

- Adding financial exploitation to the Statute

Elder abuse in Massachusetts is defined as: "An act or omission which results in serious physical or emotional injury to an elderly person, or financial exploitation of an elderly person."<sup>1</sup>

Financial exploitation was added to the Elder Abuse Statute in 1990, partly as a response to the increasing numbers of cases that were being identified. At this time, no additional funding was provided the Program.

- Difficulties in investigation

Protective Services caseworkers immediately began to report the complexity of these cases, and the difficulties they were experiencing during investigation. Some of the cases they were investigating involved huge sums of money spread between numerous accounts. Many cases proved time consuming and legal interventions were often necessary.

Caseworkers found that they were having particular difficulties in interacting with bank employees. They often required information from the bank about transactions, and sometimes they needed cooperation by the bank in closing accounts to preserve clients' remaining funds.

Relationships between caseworkers and bank employees varied. Some caseworkers were able to develop positive working relationships with bank employees. In some cases, however, a lack of cooperation between client, Protective Services worker, and bank employee would be frustrating to all parties, and often did not work in

the best interests of the client.

- A helpful bank employee

Ann Sabato, a Protective Services supervisor at Greater Springfield Senior Services, Inc. (GSSSI)<sup>2</sup>, remembers her attempts as a caseworker to establish good working relationships with bank personnel in financial exploitation cases. She comments on an unusually positive response from a customer services representative, Ms. Y, in one particular case in early 1991.

Mrs. X, a wheelchair user after both her legs had been amputated, lived with her daughter. She was confined to her bed, as she needed assistance transferring from her bed to the chair, which her daughter was not providing. She also needed help with toileting, washing, dressing, and food preparation. Reported to Protective Services as a case of neglect, Ann discovered that financial exploitation was also involved.

As Ann and Mrs. X worked together, she confided that her daughter was financially exploiting her, which resulted in the neglect of her needs. Mrs. X had agreed to her daughter being a co-signatory on her bank account. The daughter was systematically emptying the account every month, and had all financial records in her possession. Other than telling her there was not enough money, the daughter was refusing to give any explanation to Mrs. X about her financial status. Ann says:

"This is a common situation, taking money from a joint account. Mrs. X really couldn't get to the bank, although she agreed that the bank could be told about the situation.

Her daughter had her passbook. I picked a

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<sup>1</sup> Massachusetts General Law (MGL) Chapter 19A, sections 14-26.

<sup>2</sup> One of 24 Designated Protective Services agencies in Massachusetts. Designated Protective Services agencies provide all direct services to abused elders.

branch at random. Then I called ahead and made an appointment. I went in and threw myself on Ms. Y's mercy.

Ms. Y was very sympathetic. She agreed that notifying the daughter that Mrs. X wanted to close the account would give her the chance to clean it out. We agreed that I could come in with Mrs. X's I.D. and a signed statement. Ms. Y closed the account, opened a new one, and we arranged for direct deposit of Mrs. X's checks into the new account."

## 2. THE PROTECTIVE SERVICES POSITION

- **Frustration**

*"When we go into banks it sometimes feels they are more likely to help the abuser, not the elder who has been exploited."* A Protective Services Caseworker.

As the quotation above illustrates, Protective Services caseworkers could feel frustrated in dealing with banks. This was partly caused by ignorance about bank policy and regulations concerning financial information.

It was frustrating to caseworkers that bank employees clearly saw suspicious situations and did not report them. Banks also charged a lot for copying bank statements or researching transactions.

- **A lack of understanding of bank policy**

Caseworkers did not realize bank concerns about customer confidentiality. They did not understand why banks would not take action to protect the elder's funds when Protective Services caseworkers asked. Protective Services workers, especially, did not understand why bank personnel would not release information when

shown a consent form demonstrating that the elder had consented to our involvement.

Caseworkers often felt that they were hitting a wall in their attempts to work with the bank, or were depending on the goodwill of individual employees, who were clearly going against bank policy and possibly risking their jobs.

## 3. THE BANK POSITION

- **Who are you?**

*"I didn't know who she was, or why she was involved with our customer. She made me feel as if I was not protecting my customer."* A Bank Security Officer.

Bank personnel often describe themselves as confused about the role played by Protective Services. Who were these people coming in to demand access to customer information? Although they identified themselves, sometimes accompanied the customer, and provided documentation apparently provided by the customer, their position was not clear.

- **I try to protect my customers**

Bank personnel could feel under attack, believing that Protective Services workers did not understand that they did their best to protect their customers.

They also felt that Protective Services did not understand the need to keep customers' financial affairs confidential. Caseworkers, used to working with people familiar with the elder network, expected cooperation with their requests, and could appear arrogant and demanding to bank personnel.

## II. "LET'S DO A PROTOCOL"

### 1. WHY DO A PROTOCOL?

A discussion of Protective Services concerns in working with banks between Greater Springfield agency staff and the EOEA Regional Manager, ended in the casual remark: "Let's do a Protocol." This idea, after being approved by both EOEA and the director of the agency, marks the beginning of the Bank Reporting Project.

As initially visualized, the Protocol would establish a simple and consistent method for banks to report concerns about financial exploitation, which could be used as a state-wide model.

A secondary goal was to simplify interactions with the bank during Protective Services investigations. In other words, a formal Protocol would provide:

- **A consistent method for banks to report financial exploitation to Protective Services**

Bank employees were clearly able to identify situations where financial exploitation was occurring, but most were not reporting these incidents to Protective Services. Was this because they lacked knowledge of Protective Services? Secondly, why did bank employees not understand that, like any reporter in the state, the Massachusetts Elder Abuse Reporting Statute<sup>3</sup> protected them from liability if they reported suspicions of abuse in "good faith"?

In the process of developing a formal Protocol with a single bank, some of these questions might be answered. In particular, this was an opportunity to establish some precedent for "good faith" reporting from the banking

community, which was an apparent stumbling block. The Protocol might then be used as a statewide model.

- **A more effective working relationship between Protective Services and the bank during investigations.**

The Protocol might also address how banks and Protective Services could work together more efficiently in investigating cases of exploitation and protecting elders' remaining funds. Were there methods of accessing records more speedily? What documentation was required to release records in a timely manner, especially if, as was often the case, the elder was unable to get to the bank in person? Developing a Protocol might simplify interactions with banks during Protective Services investigations by formalizing the relationship to a large extent.

### 2. WHY DO A PILOT?

A pilot project to develop a Protocol between a single Protective Services agency and a bank could help address several of the problems being experienced across the state. The pilot could:

- **Clarify why banks were reluctant to cooperate;**
- **Work out some of the problems;**
- **Establish credibility within the financial industry;**
- **Establish a strong base for networking through personal introductions;**
- **Increase the chances of successful replication of a Protocol with other institutions.**

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<sup>3</sup> See Appendix A: Massachusetts General Law (MGL) Chapter 19A.

### 3. CHOOSING THE BANK: SPRINGFIELD INSTITUTION FOR SAVINGS (SIS)

The decision was made to approach the Springfield Institution for Savings (SIS) with a view to developing a Protocol. SIS appeared to be a good choice. It was a medium sized bank (at the time it had twenty-two branches) and located in a geographically distinct urban area other than Boston. Running a pilot in Boston, the largest city, might be less likely to be accepted as replicable in other parts of the state.

Also, previous relations between the bank and Protective Services had been relatively successful, the bank CEO was well regarded in the community, and the bank had a demonstrated track record of community involvement. Finally, the local Protective Services agency was eager to put effort into the initiative.

Protective Services went into the meeting with two key areas to discuss: increasing bank reporting of cases of suspected abuse, and improving bank cooperation during investigations.

- **Increased reporting by the bank**

- a. Was the bank willing to *receive training* on methods of identifying exploitation?
- b. Was the bank aware that there was Statutory *protection for reports of elder abuse made in good faith*?<sup>4</sup>
- c. Would the bank support *further legislation* to protect reporters from liability, for example becoming mandated reporters, if necessary?

- Cooperation with Protective Services during investigation
  - a. Can a *single contact person* be established at the bank?
  - b. What *documentation* of elders' consent to the release of information would be immediately acceptable to the bank, especially if elders are: unable to visit the bank, unable to provide written consent, or demented and unable to provide valid consent?
  - c. Can the bank *reduce or waive copying costs* for bank records, essential in substantiating some cases of exploitation?
  - d. Can the bank *temporarily "freeze"* an account to prevent further exploitation in some cases?<sup>5</sup>

### 4. AN INITIAL ATTEMPT AT CONTACT

- **Clarifying the issues**

An initial attempt at contact was made through the bank Public Relations department. A meeting was arranged among EOEA, GSSI and an SIS representative from this department to discuss the issues Protective Services felt needed bank cooperation.

Unfortunately, the response to the meeting by the Public Relations personnel was lukewarm. The meeting did, however, provide the opportunity to clarify the issues arising in working with banks which proved useful in the future. These fell into two main areas: bank concerns about possible negative outcomes, and incentives for them to cooperate.

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<sup>4</sup> See Appendix A MGL Chapter 19A, Sections 15(c) and (d).

<sup>5</sup> This last idea was rejected. Legislative change would have been necessary to achieve this option. Banks are, however, encouraged to "slow down" transactions when appropriate.

- **Bank concerns**

The bank personnel explained their perceptions of possible negative outcomes for the bank in reporting abuse:

- a. *Breaches of customer confidentiality;*
- b. *Potential negative effects on public relations;*
- c. *Liability issues* in releasing any information to entities other than the customer.

Given these potential negative outcomes, a final, and essential, issue was raised: What incentive was there for banks to cooperate with Protective Services? While it seemed to Protective Services that these negative perceptions could be addressed, the question became one of developing incentives for the bank to cooperate.

- **What incentives are there for the bank to cooperate?**
- a. Can possible *negative outcomes be addressed in advance* and can reporting be presented as good public relations?
- b. Are there any *further incentives* banks can be offered to encourage reporting of abuse?

### III. ESTABLISHING A RELATIONSHIP

#### 1. REACHING THE DECISION MAKERS

In hindsight, Public Relations was not the department to approach. Representatives are not likely to have decision making power, direct customer contact, and may be unaware of the extent of elder financial exploitation and the depth of employee concern. Elder abuse can be hard to see as a positive and marketable issue.

Fortunately, at SIS the Public Relations Officer

was concerned about the issue. She referred it to Security, seeing it as more relevant to this department.

The Director of Security agreed to a meeting between SIS, EOEA and GSSI staff to discuss clear guidelines for reporting exploitation, and possible joint training on this problem. She suggested that the Assistant General Counsel, and Vice Presidents of Retail and Trusts also attend. They would then report back to SIS management on the discussion.

#### 2. PROTECTION FROM LIABILITY "TO SOME DEGREE"

Having reviewed the Elder Abuse Statute, the Assistant General Counsel concluded that the most important question facing SIS was whether or not the bank was protected from liability in reporting suspicions of elder abuse. Despite clear language protecting all persons from civil or criminal liability if reports were made in "good faith," her decision was that the bank was protected "to some degree." This qualification was due to a lack of previous court cases and adequate guidance on the provisions of protection for banks under "good faith" reporting.

She did, however, feel that "SIS's legal risk in exploring the creation of a formalized procedure for reporting elder abuse appears modest . . . the key to avoiding the possible imposition of liability appears to be adequate teller training combined with the implementation of a clear and consistent reporting procedure."<sup>6</sup>

#### 3. A FORMAL INVITATION

A good rapport was established at the meeting. These bank personnel clearly demonstrated awareness of the issue and concern for their

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<sup>6</sup> Internal bank memorandum, June 15, 1992.

customers. Despite their reservations regarding possible breaches of customer confidentiality, they were interested in the opportunity to be a front runner in the industry.

At the Assistant General Counsel's suggestion, a formal invitation was issued for SIS to work on a task force with EOEA, GSSSI and, because SIS branches existed in two Protective Services catchment areas, another designated agency.

This invitation persuaded management to agree to bank participation in the task force to explore the subject.

- **The selling points to SIS**

SIS agreed to cooperate with the pilot project for several reasons. Other than the possibility of positive community relations, SIS was motivated by becoming:

- A national model.* SIS appeared to be the first bank to cooperate in developing a Protocol. Bank management felt that this was a powerful incentive. Their Protocol would be taken statewide, and possibly be a national model.
- A leader in the field.* SIS could protect its customers and still gain positive publicity for having become a leader in the field of elder financial exploitation prevention.

required.

On the SIS task force were: the SIS Assistant General Counsel; the Director of Security; a vice president of marketing and retail, a vice president of trusts; the Regional Manager from EOEA; and several Protective Services field staff from the two agencies.

The SIS task force met at the bank, on their turf. Responsibility for developing agenda items was shared, and the agenda was distributed on SIS letterhead, which encouraged attendance. The style of the sessions was formal, and detailed minutes were taken and distributed as soon as possible after each meeting.

Integral to the eventual success of the SIS task force in developing a model Protocol were: the personal relationships formed among members; allowing the bank personnel to be in control, engaging them in the process, and demonstrating respect for the organizational structure of the bank.

- **Personal relationships**

A particularly strong working relationship developed between Deborah Rothschild, the Director of Security and Ann Sabato of Protective Services. Security officers, unlike Public Relations, saw exploitation cases frequently and felt frustration as they saw elders' funds misappropriated.

As the two got to know each other, and worked together to resolve cases, each became familiar with the parameters of the other's job. A level of trust was built up, and a greater understanding achieved regarding the limitations of their relative positions. Most importantly, it became clear that, by working together, Protective Services and bank security could have greater success in protecting elders.

## IV. MOVING FORWARD

### 1. THE SIS TASK FORCE

- **The people and the process**

Over a six month period, the SIS task force held a series of brainstorming sessions. These sessions provided an opportunity to negotiate and compromise on various positions and clarified where cross-training on different issues was

- **Ownership**

The task force enabled Protective Services to gain greater understanding of the needs of the bank, and to get more of an insider's look at the working of another organizational structure. It became clear that, while management had reservations, security was eager to participate.

The Director of Security also indicated that bank tellers and customer services representatives were enthusiastic. They had direct customer contact and were able to observe interactions that made them uncomfortable. They were often upset that they could not "do anything" other than report concerns to security, whose hands were also tied. The extent of employee frustration was to be a selling point to management cooperation, but other issues had to be addressed first.

By conscientiously asking bank personnel what was needed, and encouraging their active participation, the needs of the bank would be addressed by the task force. The bank personnel could be strong advocates within the organization for procedures that would suit the bank's needs.

- **The bottom line**

When the task force presented the plans to SIS management, SIS agreed to continue working with Protective Services to finalize and sign a Protocol, if the following conditions were met:

- a. *Keep the Protocol simple,*
- b. *Minimize employee time* spent on the issue,
- c. *Follow the organizational structure* of the bank,
- d. *Keep the channels of communication* open,
- e. *Minimize liability exposure* for the bank and its staff.

Also, in order to sell the Protocol to management, the investment of time had to be justified as good business practice.

This process took several more months, and employee training began prior to a final version. One reason for the delay was staff turnover. SIS changed CEO and Assistant General Counsel during Protocol development. The concept had to be "resold" to their replacements.

## **2. "GRANDMOTHER AND APPLE PIE:" CREATING CLEAR INCENTIVES FOR SIS**

Given the concern about bank participation, the task force decided that a strong basis needed to be established for presenting the plan for cooperation and training to management. Protecting customers from abuse and exploitation had to be presented as an opportunity for creating positive community reaction and improved customer relations.

Again, this needed to be framed in terms to which the banking community would respond. SIS management had a positive reaction to: "This is a caring and good thing to do," and "Wouldn't you like someone to be looking out for your parent/grandparent?"

SIS had a CEO who was very much involved with various community groups and saw a moral and ethical responsibility of business to improve conditions in the community. Additional incentives were needed, however.

- **Good customer relations**

The task force agreed that the new SIS initiative could be presented as an additional and valuable service for customers, rather than as a bank acting like "Big Brother." SIS could emphasize concern for customers' well-being, personal safety, and a dedication to "helping to protect elders and their funds."

In fact, the elder customer base might even increase if SIS demonstrated this concern, and SIS could gain standing within the community.

- **Name recognition as model project**

As the first bank in Massachusetts to implement training and demonstrate commitment to protecting older customers from abuse, EOEA promised recognition of the bank as a model project. Once a protocol was in place, SIS could receive considerable positive media attention as a bank valued its responsibility to older customers.

## **V. COSTS AND BENEFITS FOR THE BANK**

### **1. A DETAILED PROCEDURE**

What had previously appeared so simple to Protective Services, obviously needed to be explored in greater detail. The bank now felt that the risks of liability in reporting abuse were manageable, but they wanted this issue to be examined to minimize potential liability.

The bank also pointed out that cooperating with Protective Services wishes would require an investment of both employee and material resources. SIS was concerned that this should be a joint enterprise permitting the free exchange of information between Protective Services and the bank. The bank required information and support during the process of developing a workable protocol.

- **“Talking the talk”**

For Protective Services, this required learning the terms used by the banking community and being able to “talk the talk.” It was not enough to state that the bank would be helping elders. The Protocol would have to be operationalized using the terms preferred by the bankers and addressing the issues they raised.

### **2. THE ISSUES, AND HOW THEY WERE RESOLVED**

- **Potential liability in reporting due to breach of customer confidentiality, or inappropriate reports**

The bank did not want to report cases unnecessarily or want individual tellers making inaccurate reports, potentially allowing the release of confidential financial information unnecessarily or prematurely. Inappropriate reporting was best addressed through adequate training, consulting with Protective Services, and establishing an internal screening process.

The Protocol designated security to receive reports from tellers and customer services representatives, to screen them before contacting Protective Services. This process was designed to minimize the likelihood of inappropriate reports. Security officers would receive more training than front line employees.

It also allowed the bank to control the information released when making a report. SIS was educated and reassured about Protective Services's strict client confidentiality requirements, and the statutory obligation to keep the identity of the reporter confidential.

It became clear to the bank that making a report to protective services *per se* did not require releasing specific financial information, like bank account numbers or balances, thus breaching bank confidentiality requirements. The release of specific information could wait until the elder's permission had been obtained by the caseworker.

- **Potential liability for the bank due to failure to report financial exploitation**

Protective Services pointed out that although SIS was worried about the risks of reporting, there might be greater liability in failing to report. The

bank might well be found negligent if it failed to report a clear instance of financial exploitation.

This could be addressed by establishing clear guidelines for employees to identify and report their concerns. Security could also consult with Protective Services staff if they were unsure whether they had established "reasonable cause to believe" that abuse was occurring.

- **Customer dissatisfaction if the bank "interfered" in their affairs**

Concern that customers could perceive the bank as interfering unnecessarily in their affairs, also referred to as the "Big Brother" bank question, could be addressed by customer education and good public relations. It should be promoted as bank concern for the customer, not unwarranted interference. Protective Services was able to point out that customers might well be dissatisfied if the bank failed to intervene to protect them.

- **Time investment in researching records**

Protective Services explained to SIS that some clients were not always in possession of documents relating to financial matters. Clients might not remember details, or the number of accounts they had, or they could be denied access to bank statements, their checkbooks and other documentation.

Protective Services asked for bank cooperation in searching for other accounts and records of suspicious transactions in these cases. Bank personnel felt that employee time should not be consumed by tracking down paperwork for Protective Services and were dubious about the necessary time investment by the bank.

Protective Services staff pointed out that they might, in some cases, be able to minimize the time invested. They could provide the bank with information regarding the time, date, or specific account relevant to suspicious transactions. SIS

agreed that Security could do the initial research at no charge, as it would be relevant to the screening process. If extensive research was required in complex cases they would have to charge for the time invested.

- **Providing documentation free of charge**

SIS required a fee for making copies of necessary documents, while Protective Services felt that this cost was a problem for many of their clients. In some cases, the client's funds had been depleted or the elder was of very low income in the first place. Not infrequently, elders told caseworkers that they resented being charged for a service they thought the bank should provide. SIS was willing to consider providing free copies of bank records on a limited case by case basis.

- **Releasing records to Protective Services and/or the customer**

The bank required written authorization to release any financial information to a third party. Protective Services would need to provide specific written evidence of client consent to the bank releasing information. The bank wanted to have the customer present in the bank while this consent was obtained.

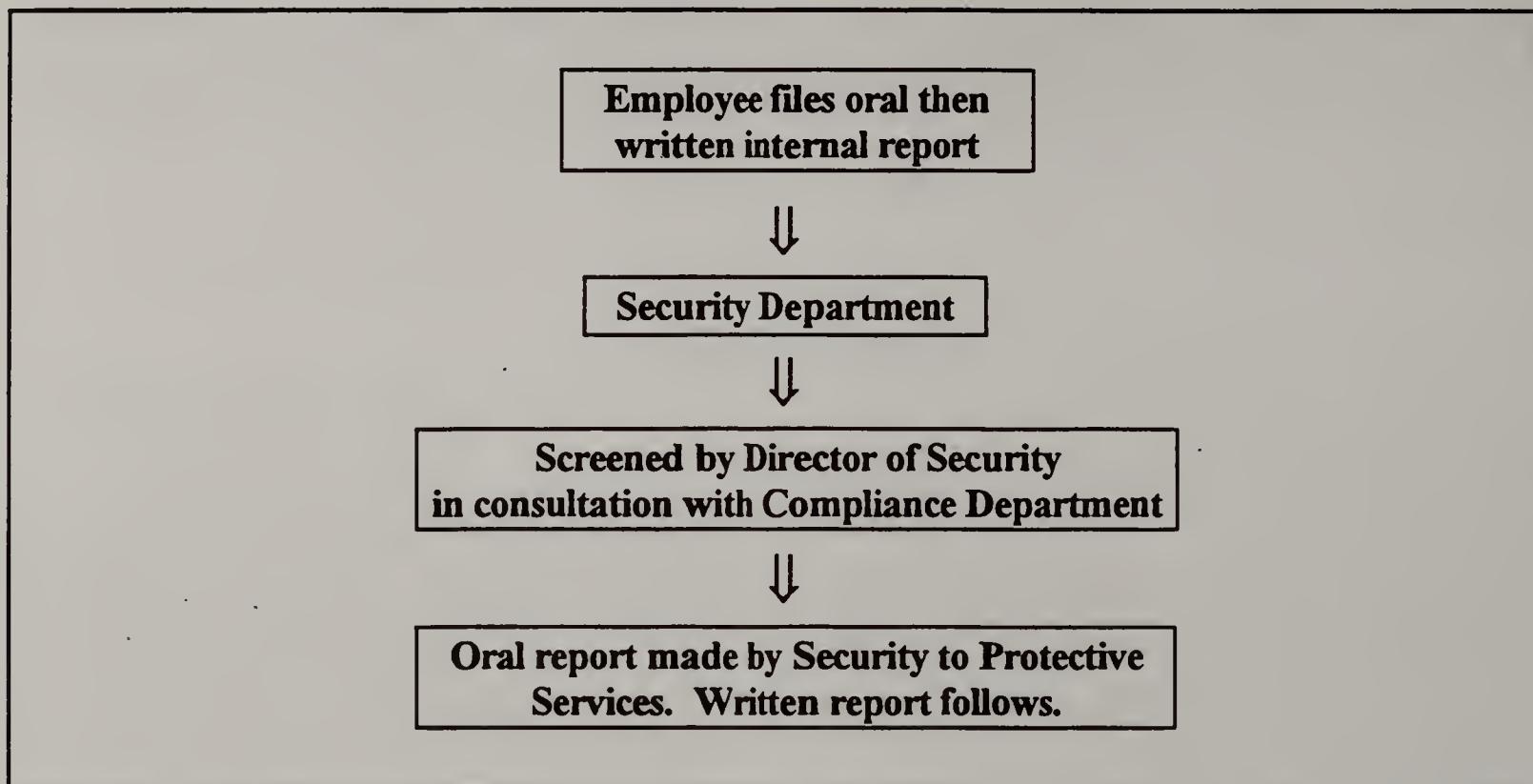
SIS acknowledged that, when the elder was home-bound, this would prove difficult, and agreed to accept a signed consent with the caseworker acting as a witness. When the elder's competency was in doubt, the bank would require a court order.

In situations where the elder had a joint account, or where the suspected abuser had a Power of Attorney, or was a conservator or guardian, the bank would still need to notify the other party of any change in account status if they came in to do business.

Figure 1.1: Costs and benefits to banks

PERCEIVED COSTS	REDUCED COSTS	BENEFITS
1. Perceived potential liability for reporting, risk of inappropriate reports.	<ul style="list-style-type: none"> <li>a. Statutory protection for "good faith" reporting.</li> <li>b. Consultation and training to minimize likelihood of inappropriate reports.</li> </ul>	<ul style="list-style-type: none"> <li>a. Reduced risk of liability.</li> <li>b. Reduced risk of employees breaching bank policies.</li> <li>c. Customer satisfaction.</li> </ul>
2. Potential bank liability due to failing to report and therefore failing to protect customer assets.	<ul style="list-style-type: none"> <li>Establishing formal protocol for: <ul style="list-style-type: none"> <li>a. Reporting, and</li> <li>b. Providing staff training.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>a. Reduced risk of liability through failure to report.</li> <li>b. Customer satisfaction when assets protected.</li> </ul>
3. Potential for customer dissatisfaction due to perceived bank breach of confidentiality in making report.	Protective Services assurance of confidentiality of reporter's name.	Improved customer relations through demonstrated commitment to community.
4. Time investment in staff training.	Time investment minimized through brief structured training by Protective Services.	<ul style="list-style-type: none"> <li>a. Increased staff satisfaction.</li> <li>b. Maximized customer protection.</li> </ul>
5. Time investment in documentation research.	<ul style="list-style-type: none"> <li>a. Simple Protocol for assisting in investigation.</li> <li>b. Protective Services help in narrowing search to specific dates and/or transactions.</li> </ul>	<ul style="list-style-type: none"> <li>a. Less staff time used on research.</li> <li>b. Increased customer satisfaction.</li> <li>c. Offset costs of future litigation.</li> </ul>
6. Actual costs in providing documentation free of charge.	<ul style="list-style-type: none"> <li>a. Protective Services help in narrowing search (see 5b) reduces reproduction costs.</li> <li>b. Establishing possible sliding scale.</li> </ul>	Increased customer satisfaction.
7. Employee frustration due to lack of ability to help customers.	Simple Protocol for reporting so that employees felt they were helping customers.	Increased employee job satisfaction.

Figure 1.2: SIS Clearinghouse Reporting Protocol



### 3. THE SIS PROTOCOL SUMMARIZED<sup>7</sup>

The Protocol was developed in two parts: a procedure for reporting suspicions of abuse, and a procedure for the release of information to Protective Services during the course of an investigation. While the reporting procedure proved comparatively easy to develop, the procedure for releasing information was more problematic. Work continued on this aspect through 1994, even after the initiation of training, until SIS's concerns were addressed to their satisfaction.

- **The Protocol for Reporting: The Clearinghouse**

SIS, having accepted that reporting suspicions of exploitation to Protective Services would not

expose the bank to undue liability, agreed to institute a procedure. In order to address the concerns present about inappropriate reports made by tellers, the task force agreed that a designated "clearinghouse" should be established so that some internal screening could take place (see figure 1.2).

Front line bank employees (tellers and customer services representatives), trained to identify signs of abuse, would report suspicions to their branch managers or the Security Department.

Employees were encouraged to discuss suspicions with branch managers if they were unsure that they had a reportable condition. Oral reports would be followed by a written report detailing the suspicious circumstances. All reports would be screened by the Director of Security, who would consult with the Compliance Department when necessary, before reporting appropriate cases to the Elder Abuse Hotline or local agency directly.

Instituting this procedure allowed SIS Security to

<sup>7</sup> See Appendix C for the SIS/GSSI Protocol. This document is now obsolete, as Project participation indicates willingness to report and release information.

Figure 1.3: Protocol for Release of Information by SIS to Protective Services

- 1. SIS may release information on receipt of:**
  - The elder's signature on a consent form in the presence of a bank employee (preferred);
  - The elder's signature on a consent form with a witness (caseworker may act as witness).
- 2. If the elder's competency is questionable, SIS will only release information:**
  - On receipt of a court order.

examine the internal report, discuss situations with tellers and sometimes interview the elder, prior to making a report to Protective Services. This would screen out inappropriate reports and the bank could gather further information for the report to Protective Services.

- **The Protocol for the Release of Information to Protective Services**

The clearinghouse also enabled SIS security personnel to maintain control over what information was released to Protective Services when the report was made. This reduced anxiety over breaches of regulations governing the financial industry's release of confidential customer information, while the Protocol for the release of information was still being developed.

Obviously SIS had to comply with both federal and state requirements governing the release of financial information to third parties, and Protective Services was a "third party," albeit bound by confidentiality requirements. The final protocol for the release of information had the clarity and simplicity SIS and Protective Services were both seeking (see figure 1.3).

## VI. THE SIS TRAINING

### 1. THE PLAN

A one-and-a-half hour training session for about forty selected branch managers and security was planned. The session would be followed by five others until employees in all branches had received training. Sessions would be video-taped for future use. Although planned in advance, the training did not go smoothly. At the first attempt the bank gave the wrong date to prospective trainees.

### 2. THE TRAINING

In the SIS training, bank personnel presented the protocol for reporting that had been accepted by SIS management. Protective Services staff gave an overview of the Protective Services system, examples of cases, describing typical interventions and service planning to prevent further exploitation. At the initial training session, Protective Services came prepared with case studies. However, bank staff provided plenty of their own examples. In fact, several reports of abuse were made during the session.

Figure 1.4: SIS Training Agenda

<b>ELDER ABUSE TRAINING PROGRAM</b>	
<b>May 11, 1993</b>	
<b>9:00 - 10:30 a.m.</b>	
<b>I. Welcome &amp; Overview (Craig Fox, EOEA)</b>	
<b>Time: 5 minutes</b>	
1. Executive Office of Elder Affairs	
2. Protective Services Program	
3. Elder Abuse and Neglect	
4. Applicable Law	
<b>II. What is Financial Exploitation (Ann Sabato, GSSSI)</b>	
<b>Time: 20 minutes</b>	
1. Actual Cases	
2. Signs and Symptoms – Elders as targets for abuse and exploitation	
<b>III. External Investigations – Protective Services Regulations and Responsibilities (Brenda Perry, WestMass)</b>	
<b>Time: 20 minutes</b>	
1. What we need from you	
2. What you can expect from us	
3. Time frames for investigation	
<b>IV. SIS Internal Reporting Procedures (Elaine Reall, Assistant General Counsel, SIS)</b>	
<b>Time: 10 minutes</b>	
1. Format/Oral vs. written	
2. When to report	
3. Who receives the report	
4. Central Clearinghouse – Security responsibilities	
<b>V. Case Studies in Financial Exploitation (Panel Presentation)</b>	
<b>Time: 25 - 30 minutes</b>	
Cases presented for discussion. Audience will analyze and apply new protocols.	
<b>VI. Questions and additional discussion.</b>	
<b>Time: 5 minutes</b>	

Figure 1.5: Keys to Success in the Pilot

KEYS TO SUCCESS	FACTORS INVOLVED	IMPLICATIONS
1. "Medium sized" bank in urban area. Note, SIS had 22 - 27 branches.	Big enough to act as credible pilot, small enough to have (comparatively) easy access to decision-makers.	<ul style="list-style-type: none"> <li>a. For large (multi-state) banks SIS is considered small.</li> <li>b. For the "one branch bank" SIS is believed to have ample resources not available in their bank.</li> </ul>
2. Bank CEO very involved in the local community.	Saw the Protocol as beneficial and good public relations, but appeared genuinely interested.	CEO and top management were willing to take risks to benefit elders.
3. Personal Relationships are critical.	<ul style="list-style-type: none"> <li>a. Getting to decision makers;</li> <li>b. Following through on a lengthy process;</li> <li>c. Building an understanding of how other side functions.</li> </ul>	<ul style="list-style-type: none"> <li>a. Need to find sympathetic bankers, work on the relationship.</li> <li>b. Staff turnover can be a problem: you need to "sell" the Project all over again.</li> </ul>
4. "Talk the Talk."	<p>Follow bank/ business procedures:</p> <ul style="list-style-type: none"> <li>a. Use formal meeting style,</li> <li>b. Follow up with detailed minutes.</li> </ul>	Time consuming, and does not always come easily to human services personnel.
5. Create incentives for the bank to participate. Identify needs of the bank and potential benefits banks can experience through voluntary involvement.	While individuals might sympathize and want to do a "good thing" they need to prove internally that this is also "good business."	Examine regulations governing banks, research customer base, stress public service and increased employee job satisfaction.
6. Form a partnership with the banks sharing appropriate control.	<ul style="list-style-type: none"> <li>a. Bankers have valid concerns and time pressures that should be taken seriously.</li> <li>b. Protective Services should act as facilitator of the process, providing information and guidance.</li> <li>c. Give feedback and validate bank concerns.</li> </ul>	Can be frustrating if you want to, or need to, work quickly.



## SECTION II

### THE INTERIM: GENERATING INTEREST

#### SUMMARY

During 1993 and 1994, we attempted to replicate the model. Successful contact was made with a larger bank, but results were disappointing with others. Banks were raising concerns that needed to be addressed regionally, if not statewide.

A statewide conference on financial exploitation clearly demonstrated that there was considerable interest in the issue, and support was available from the Office of the Attorney General. Despite this interest from the community and other government agencies, the response from banks remained lackluster.

Given the apparent hesitancy of the financial industry, we decided to broaden the scope of the Protocol to include con artist scams and consumer fraud, enlisting the aid of other government agencies.

## I. ATTEMPTING TO REPLICATE THE SIS MODEL

### 1. THE SECOND PILOT: SHAWMUT BANK NA

A designated Protective Services agency in another part of the state, Health and Social Services Consortium, Inc. (HESSCO), was encouraged by the progress made with SIS. HESSCO held a formal four hour workshop on elder financial exploitation in September 1993.

Bank personnel were invited to attend the workshop, along with housing managers, police officers and other interested members of the community. This event, which included a speaker from SIS, led to a successful contact with Shawmut Bank NA.

Shawmut (later to be merged with Fleet Bank) was much larger than SIS. As one of four vice presidents in charge of security, Peter Howerton was instrumental in setting up and supporting training. He was well aware of suspicious cases, and knowledgeable about the types of interventions banks could engage in to protect customers. Pointing to the positive SIS experience, he was able to persuade top management that training personnel in this area could prove an important customer service.

### 2. A FULL DAY OF TRAINING

A full day training session with Shawmut Bank security personnel was conducted by Nancy Durkin, the Protective Services supervisor at HESSCO, and a second Regional Manager from EOEA in January 1994. Shawmut Bank was active in several New England States, and this training included personnel from the neighboring states of Rhode Island and New Hampshire. The training covered the types of cases seen by Elder Protective Services in some depth, together with an overview of typical interventions. As with SIS, participants were

able to provide their own examples of suspicious situations. The bank agreed to begin reporting cases of abuse and exploitation without a formal protocol in place.

### 3. LESS SUCCESSFUL ATTEMPTS AT CONTACT

- **We gave a training but nobody came**

Other designated Protective Services agencies also attempted to make contact with banks with less success. A branch of a larger bank agreed to co-sponsor a seminar for the community on preventing financial exploitation with a Protective Services agency. The seminar was not successful. The bank appeared enthusiastic at first, and agreed to host and advertise the event in the community, but appeared to lose interest. The event was scheduled for an evening and was not adequately publicized. When Protective Services arrived prepared to make a presentation, there was no audience. The bank personnel had apparently mistaken the date.

- **Cape Cod Banks, DAs and Protective Services**

In March 1994, Elder Services of Cape Cod and the Islands and the District Attorney's Office held a meeting for bank management in that region of the state and invited SIS to present their experiences. Cape Cod is a popular retirement area, with persons over sixty years old comprising nearly 29 percent of the population.

Approximately seven bankers attended the meeting. The Cape bankers understood that elders were the backbone of their customer base, giving them an incentive to be responsive to the needs of an older population. They agreed in principle that they were aware of financial exploitation, and accepted it as a serious issue, but they also raised legitimate issues.

These initially centered on breaching customer confidentiality by reporting cases. This, they felt, would jeopardize customer relations.

Protective Services staff and representatives from the District Attorney's Office emphasized that early detection of financial exploitation was of paramount importance. Frequently, by the time Protective Services or the District Attorney's office became aware of the situation, the elder had already been deprived of assets.

While further exploitation might be prevented through Protective Services intervention, and the District Attorney's Office was sometimes able successfully to prosecute, restitution was unlikely. Exploiters frequently dissipated assets quickly, and clear evidence of wrongdoing was often not available. This resulted in hardship for the elder concerned.

The bankers took this argument seriously, and agreed to be open to further discussion of the subject. They emphasized that they remained cautious regarding the development of a formal protocol, and about reporting to Protective Services in general. Partly due to these reservations, this group was later used as a focus group to gather further information about the industry.

## II. THE SOLUTION: EXPAND THE MODEL

### 1. WHAT CAN BANK EMPLOYEES IDENTIFY?

Protective Services' primary concern was to train banks to recognize and report exploitation by people known to the elder: family members or acquaintances. Working with SIS and Shawmut Bank, and in less successful interactions with other banks, made it clear that

bank employees were able to recognize:

- Cases of financial exploitation by persons known to elders
- Scams in progress
- Telemarketing and consumer fraud

In Massachusetts, each type of activity is reported to and investigated by a different entity, although law enforcement and Protective Services will frequently work together. It appeared that bank employees felt comparatively comfortable to alerting customers to their rights in cases of consumer fraud.

Security officers appeared willing actively to intervene in cases of con games and scams against their elder customers. They also appeared to be reporting instances of this type to law enforcement. They were clearly not as willing to report cases to Protective Services. Additional education for employees in these areas might be welcome. Would there be an advantage to Protective Services using a combined approach?

### 2. WHO CAN WE WORK WITH?

In May 1993, EOEA collaborated with the Massachusetts Attorney General's Office and the Disabled Persons Protection Commission in holding a conference on financial exploitation. A workshop presented the SIS and Protective Services partnership, and the work they had completed so far. The conference was well attended by a cross-section of the community, indicating interest and awareness of the issue. The Disabled Persons Protection Commission (DPPC) did not, then or now, investigate financial exploitation as a type of abuse. Legislation is pending to address this.

The conference clearly demonstrated the extent of the problem and the interest felt in developing a systematic method of working with the financial industry.

### 3. GETTING BEYOND THE PERSONAL

- **Modifying the plan**

The initial plan had been to develop a model Protocol between one bank, Springfield Institution for Savings (SIS), and a designated Protective Services agency, Greater Springfield Senior Services, Inc. (GSSSI). Responsibility would then be given to the other local designated Protective Services agencies to approach banks in their area to establish similar systems.

SIS, however, was still working on finalizing a formal Protocol and, although Shawmut Bank was cooperating voluntarily, it appeared that these successes were due to individual response, rather than enthusiastic cooperation from the industry.

Other attempts at working with banks had failed. EOEA acknowledged that a statewide initiative was needed, and began to explore the possibility of collaborating with other state agencies.

- **A popular concern**

The Attorney General's Office (OAG) had been intrigued by the workshop presentation of the SIS Protocol at the conference. The OAG signaled that it was interested in collaboration and could contribute expertise in the areas of scams and consumer fraud.

EOEA's interest was in identifying and investigating financial exploitation by persons known to elders, but establishing a statewide system for banks to identify, report, and cooperate with the investigation of all types of financial exploitation appeared to be an excellent idea. This type of project could make everyone look good.

EOEA, therefore, became the lead agency in an interagency collaboration. In order to address the issues raised by the banking industry during the Pilot Project, the Project also enlisted the help of another state agency: the Executive Office of Consumer Affairs, and its subdivision, the Division of Banks.

Figure 2.1: Keys to Success in Accepting Modification of the Plan

KEYS TO SUCCESS	FACTORS INVOLVED	IMPLICATIONS
1. Accepting the need to modify the plan.	Despite small success, the initial plan was not working. Only two banks were working with us.	Must step back to assess modifications when necessary.
2. Generating and maintaining widespread community support.	<ul style="list-style-type: none"> <li>a. Conferences and “brainstorming sessions” to assess extent of the problem and degree of community concern.</li> <li>b. Gain interest and involvement of other government agencies.</li> </ul>	Demonstrated widespread and broad-based interest can be used to justify and support initiatives similar to the Project.
3. Expanding the model.	Including other forms of financial exploitation (face-to-face scams, telemarketing scams and consumer fraud) with “personal relationship” abuse and neglect.	<ul style="list-style-type: none"> <li>a. Requires collaboration with other government agencies.</li> <li>b. Encourages more attention. (General public and media find “stranger exploitation” is easier to identify with.)</li> <li>c. Stress needed on trauma and extent of “personal relationship” and family abuse and neglect, otherwise media will focus solely on scams.</li> </ul>
4. Forming a coalition with other government agencies.	<ul style="list-style-type: none"> <li>a. Healthy competition to generate interest and maintain momentum.</li> <li>b. Interagency cooperation for the benefit of vulnerable persons.</li> </ul>	<ul style="list-style-type: none"> <li>a. Larger scope of Project means that more people are involved. Potential for interagency conflict.</li> <li>b. Can include political (in our case bipartisan) issues.</li> </ul>



## SECTION III

### THE INTERAGENCY COALITION

#### SUMMARY

EOEA first contacted other offices in April 1994. The Project Task Force was formed and the first formal meeting was held on July 22. At this time, the Task Force hoped that the Project could be finalized and announced in October 1994. During the summer and fall, we met frequently, researching and planning the Project. Meetings were held with representatives from the Massachusetts Bankers Association (MBA), who expressed cautious interest, but were not yet willing to endorse the Project.

In October, the Task Force acknowledged that our initial timelines were unrealistic. We were in danger of sacrificing quality for speed. We agreed to a delay until outstanding concerns could be addressed, and the MBA could provide enthusiastic support.

## **I. IDENTIFYING THE INTERAGENCY TASK FORCE: SUMMER 1994**

### **1. THE EXECUTIVE OFFICE OF ELDER AFFAIRS**

Having made the commitment to developing a statewide initiative, EOEA released one of three Protective Services Regional Managers from other duties to direct the Project. It also hired an administrative assistant.

As initially conceived, the Regional Manager's full time involvement with the Project was to last approximately twelve months. This would increase the responsibilities of other staff, but this appeared justifiable, given the scope of the Project.

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### **2. THE OFFICE OF THE ATTORNEY GENERAL**

The Director of the Attorney General's Elderly Protection Project had previously worked extensively and successfully with Protective Services in planning and conducting statewide training of law enforcement on crimes against the elderly, and elder abuse.

The Elderly Protection Project Director's background, both as a trainer and as a prosecutor, would be helpful to the Project. He had also, as part of his police training model, researched "stranger fraud" or "scams" against elders. With the approval of the OAG, he became a member of the Project Task Force.

### **3. THE EXECUTIVE OFFICE OF CONSUMER AFFAIRS AND THE DIVISION OF BANKS**

EOEA also approached another cabinet level Secretariat, the Executive Office of Consumer Affairs (EOCA), for expertise in "business based" or consumer fraud. The cooperation of a subdivision of EOCA, the Division of Banks (DOB), was also needed to learn more about the financial industry. DOB regulates state banks and awards Community Reinvestment Act (CRA) credit. The Director of Consumer Education for EOCA, and the Community Development Director for DOB, joined the Project Task Force.

## **II. POLITICAL FACTORS**

### **1. 1994: THE ELECTION YEAR**

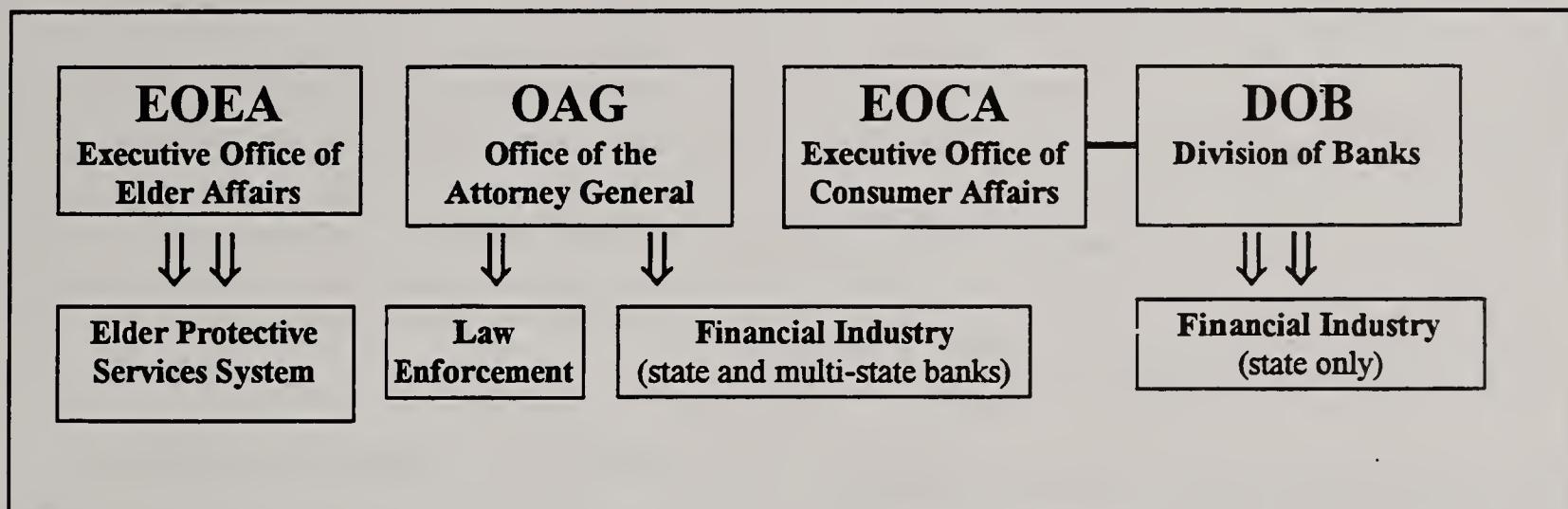
This enthusiastic response to the Project, and willingness at the highest state levels to form an interagency coalition was encouraging.

Although the Project could easily be justified in terms of the need, the degree of support it received was also due to anticipation of the November election. As planned, the Project would be announced to the public as close to election day as possible. This would gather as much positive publicity as possible.

- Good publicity**

By combining scams and consumer fraud, with the less palatable personal relationship abuse, we hoped for better coverage than usual on elder abuse prevention.

Figure 3.1: Project Task Force Agencies Relationships and Regulatory Authority



## 2. THE BIPARTISAN ALLIANCE

Massachusetts, traditionally regarded as a democratic stronghold, had a Republican incumbent, Governor William Weld. The Governor had stated his commitment to the welfare of Massachusetts' elders. The Attorney General, Scott Harshbarger, a Democrat, as part of his platform in running for office, and while in office, emphasized his dedication to the safety and well-being of elders. Both were running for re-election.

The Project, while focused on prevention, identification of abuse and consumer education, was also consistent with Governor Weld's emphasis on a "tough on crime" political stance.

As cabinet level officials, the Secretaries of both EOEA and EOCA, are appointed by the Governor. The Project, therefore, could be presented as an excellent example of politicians putting aside party politics in order to protect older constituents in an election year.

## 3. PROMOTING THE PUBLIC/PRIVATE PARTNERSHIP

The Project, if successful, could also represent government agencies and the private sector working in cooperation. The time and energy invested by SIS and Shawmut Bank in developing a Protocol and engaging in employee training, were pointed to as an example of public service by the financial industry. Increasing the willingness of the private sector to involve itself in the community, was also consistent with the Governor's emphasis on decreasing the role of "big" government, and saving tax payers money. This, again, should be popular with voters.

The financial industry also had an incentive actively to support a community focused endeavor and generate some good press. The Office of the Attorney General had recently proven in court that several large banks had persistently "red lined" or denied mortgages to qualified applicants in low income areas.

Cooperation with the Project could be an opportunity for the industry to improve its community standing.

### III. "THE ROLLER COASTER:" SUMMER 1994

#### 1. ESTABLISHING COMMON GROUND

At the first meeting the Project Task Force agreed that EOEA should be the lead agency. It had provided the original concept, committed staff and developed the SIS Protocol. Also, it did not have regulatory power over the industry, which could be used to the Project's advantage.

- **Project Task Force Meeting Procedures**

The keys to the success of the Task Force meetings were straightforward:

- a. Task Force members had *overall concept approval* from their agencies. We could make decisions and move forward quickly.
- b. We were a very *small group*. Meetings could be arranged at short notice.
- c. Task Force members had *clearly defined roles and areas of expertise*.

Meetings followed a formal procedure. An agenda was always distributed in advance, and adhered to during the meeting. Detailed minutes, including a summary of task delegation, were provided to each task force member within two to four days.

Although this proved time consuming, it enabled the task force to meet ambitious deadlines. At each meeting we would spend time on each component of the Project, which we were proceeding on simultaneously. Separate meetings were held between individuals working on specific aspects, for example, the training materials and consumer brochure.

- **Frequent meetings**

While Task Force members had overall concept approval, internal agency approval for many overall strategy decisions and collective and individual actions proposed by the Task Force were needed. Depending on the office, this could take up to three weeks, necessitating realistic timelines. The frequency of Task Force meetings was an incentive to meet these deadlines.

#### 2. THE STRATEGIC PLAN

Beginning in early July, the Project Task Force held two hour meetings almost every week, in an attempt to meet the October deadline. A proposed strategy was laid out, the components of the Project delineated and responsibility was delegated among the agencies. A four foot long chart demonstrating different components of the Project had been developed by EOEA prior to the first meeting. This proved invaluable. The Task Force agreed on the following overall strategy:

- **The goals**

- a. *Gain the active cooperation of the financial industry in training bank employees to recognize and report different types of elder financial exploitation to the proper authority (law enforcement or Protective Services).*
- b. *Gain the cooperation of the industry in investigating financial exploitation.*

- **Use the SIS Reporting and Investigation Protocol as a base**

The Project did not need to start from scratch, but should develop the SIS Protocol to include scams and consumer fraud. Banks following the Protocol should be able to identify financial exploitation, recognize the type, and report it

as quickly as possible to the appropriate agency.

- **Work with, not against, the industry**

The Project would work with the industry as far as possible to gain voluntary participation and compliance. The Project Task Force agreed that imposing a system from above, without enlisting support from within the industry in advance, might be counterproductive.

Expertise within the industry would be actively sought out, and the Protocol would be tailored to recommendations. This could result in a feasible plan, which would be acceptable to the industry.

- **But, consider changes in legislation to mandate bankers**

Mandating bankers as reporters of elder abuse and financial exploitation should be considered as an option, and used if necessary. This would, however, take time. Encouraging voluntary compliance might gain more support.

- **Explore funding options within the industry**

All agencies were willing to commit staff time and some funding to the Project, but the possibility of funding from the industry should be explored wherever possible. The planned training video might be particularly suited to outside funding.

- **Recruit a diverse Advisory Panel**

A diverse multidisciplinary Advisory Panel should be convened to review the Project direction, and all materials developed. The

Advisory Panel should be composed of elder consumers, elder advocates, Adult Protective Services administrators and field staff from Massachusetts as well as other states, police officers, attorneys, and members of the financial industry. In this way, elders' rights would be protected, Project feasibility assessed in advance, interest in the Project generated, and credibility built up with banks.

### **3. RESEARCH, PLANNING AND DEVELOPMENT**

Once the overall direction was decided, the plan was broken down into manageable components, and primary responsibility for components designated among the agencies. Each component was then broken down further into tasks. (See Figure 3.2 for a summary of tasks.)

Research, planning and development of these components occurred simultaneously due to time constraints. As we researched the Project, we modified the plan. At all times, we tried to build credibility with the industry by making contacts to learn about needs, constraints and operating procedures.

- **National research**

This was divided into two areas: Elder Protective Services concentrated on personal relationship exploitation, for which EOEA took primary responsibility. The OAG concentrated on researching law enforcement involvement in scams and consumer fraud. In each area, the assignment was to identify other efforts and initiatives in training and collaboration with banks.

**Figure 3.2: Project Planning**

<b>Project Component</b>	<b>Task Summary (very abbreviated!)</b>	<b>Agency(s) responsible</b>	<b>Start date Deadline</b>
1. National research.	Generate further information on: existing Protective Services bank training, bank structure, law enforcement procedures.	All agencies, EOEA lead.	Immediate. Ongoing. By 8/30/94
2. Additional Massachusetts research.	Convene two focus groups composed of: a. The Cape bank personnel and DA's office, b. Protective Services field staff.	All agencies, EOEA lead.	Immediate. By 8/30/94
3. Protocol.	Development of SIS model.	All agencies, OAG lead.	By 8/30/94
4. Coalition building with the industry and requests for funding support.	a. Follow up meetings with SIS and Shawmut; b. Approach MBA, Federal Reserve, MA League of Community Banks; and c. Generate listing of others.	EOEA EOCA, DOB.	Immediate. Ongoing.
5. Consumer materials.	Review and assess existing, develop new brochures, posters, etc.	EOCA, DOB.	Immediate. Draft by 8/15/94
6. Training Curriculum, training manuals and other materials.	Draft for internal approval.	EOEA, DOB, OAG.	Immediate. Draft available internally: 8/15/94
7. Video.	Secure funding, find producer and develop script.	EOEA, OAG.	Immediate, funding prioritized. By 8/30/94
8. Advisory panel to review training materials and Protocol.	Generate listings of potential participants, to be approved by all agencies.	All agencies.	Immediate. List by 9/1/94. Advisory panel convened by 1/10/94
9. Publicity.	Announcing the Project.	All agencies.	Initiated after materials completed.

- **Bank size and structure: The scope of the Project**

We needed more information about the number of banks needing training, and their internal practices in order to design a training model. Meeting separately with representatives from DOB, which only regulates state banks, we realized early on that we would have to break down the Project into a reasonable form.

Ideally, we would provide training to every teller and customer services representative at every bank, branch, credit union and savings bank. This would be impracticable given the number of banks. (At this time, there were over 500 banks operating in Massachusetts. Adding credit unions would have been prohibitive at this stage.)

A Train-the-Trainer model would have to be utilized and a limited number of banks approached initially, preferably through one of the trade organizations.

- **Building credibility, coalitions and looking for funding**

Using the "who do we know" principle, task force members began approaching individuals from both public and private sectors who had knowledge in the area for their potential participation in the project. We had a three pronged strategy.

- a. Would these individuals be able formally to join the task force?
- b. If not, what information could they provide regarding funding?
- c. Could they recommend others for us to approach?

Many of those approached later joined the advisory panel formed to review the Protocol, consumer brochure and training materials. Notable for their expertise and advice, although not formally members of the Project Task Force, were two people: a representative from the Federal Reserve Bank, and the Regional Consumer Issues representative from the American Association of Retired Persons (AARP). These individuals participated in several task force meetings and provided valuable insights.

- **Contacting the trade organizations**

We decided to approach the three Massachusetts Trade Organizations: the Massachusetts Bankers Association (MBA); the Community Banks League of New England (CBLNE); and the Credit Union League of Massachusetts (CULM) in turn. We would concentrate our efforts initially on the most responsive.

- **The first approach to the Massachusetts Bankers Association (MBA)**

The MBA was our first contact. The Task Force members from EOCA and DOB invited an Executive Vice-President of the MBA to attend a meeting.

Having been given an overview of the Project, his response was cautious but encouraging. He suggested that the MBA would be willing to work with us and provided several avenues for us to explore. Suggesting that we re-contact him in early fall, he asked for a letter requesting his formal participation.

Given this encouragement, we decided to proceed with our plan for completing the

training materials and Protocol by October, when we contacted the MBA again.

- **Focus Group 1: Elder Protective Services field staff**

We wanted to gather more information from the field regarding caseworkers' experiences working with banks. EOEA held a statewide meeting for all staff, where nearly 50 caseworkers and supervisors candidly shared their feelings and frustrations. We also gained greater understanding of their rewarding experiences.

Following the meeting, the task force agreed that further research was needed on the rationale used by financial institutions to release information to law enforcement, when access to Protective Services was denied.

The OAG, EOCA and DOB also performed additional research on the obligations of financial institutions to report criminal activity to Federal and State Regulatory Commissions.

- **Focus Group 2: The Cape Cod Banks**

As the Cape Cod banking community had expressed reservations previously, we agreed to approach them again. This would give us more information, make it clear that we were responsive to their concerns, and possibly gain their support.

As their greatest concerns appeared to be around potential liability, the OAG, local DAs and Protective Services were all involved. We did some more research prior to the meeting, which we arranged for September. Seven local banks sent representatives.

Our intent at this meeting was to attempt to satisfy their concerns in several areas. We needed to explain thoroughly the Elder Abuse

Reporting Law, and reiterate our belief that they would have freedom from liability in "good faith" reporting.<sup>1</sup>

We also wanted to understand what they considered to be evidence of customer consent in releasing information to Protective Services during investigations, and find out what they felt covered them in releasing information to law enforcement. Finally, we wanted to find out what they thought was their obligation to report criminal activity, and if they had any ideas on what they needed for training.

The bankers responded positively overall. They suggested:

- a. *A standardized form for reporting financial exploitation would institutionalize and simplify procedures.*
- b. *Educating the general public about financial exploitation, as well as bank personnel. Not only would this alert customers to the bank's need to report, but it would also educate customers regarding risky behaviors.*
- c. *A comprehensive positive public relations campaign, with an emphasis on the banking community's commitment to reporting as a public service.*
- d. *A simple and effective training program.*

- **"Let's play golf"**

This meeting was memorable, because of the "golf" comment. During a break, one banker (apparently apologizing for his forceful stance on the risk of bank liability in releasing information to Protective Services) pointed out that the problem was that bankers had never heard of Protective Services.

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<sup>1</sup> Please see Appendix A.

The sense of the remark was: "If we played golf together, then we might feel more confident in what you do with the information. If we knew you socially and professionally, and trusted you, we'd tell you what we know." This underlines the importance of building relationships with professionals in the financial industry.

### 4. CARROTS AND STICKS: INCENTIVES TO PARTICIPATE VS. MANDATED REPORTING

- **Carrots**

a. *Community Reinvestment Act (CRA) credit.* To encourage the financial industry to invest in the community, CRA credit ratings are assessed annually. Approval is given for a variety of public services and educational initiatives. The Commissioner of Banks was willing to add participation in the Project to factors considered for CRA approval. Increasingly, CRA credit is given to banks for activity on a local level and the Project is specifically suited for this. We included the potential for CRA credit in our information packets for banks, which encouraged interest. While Project participation does not guarantee banks a "gold star" when being assessed, a letter from the Commissioner is included in the training manual.

b. *A good publicity campaign.* We had discovered with SIS and Shawmut Bank that the promise of good publicity was of the essence in "selling" the Project to Massachusetts Banks.<sup>2</sup> We began working with the Press Secretaries at each agency to

develop a publicity campaign that would give the Project the most positive press coverage.

c. *Certificates and citations.* We explored the option of presenting Governor's Citations to our pilot project banks, but had to give up the idea due to possible perceptions of conflict of interest. We could, however, offer them framed certificates signed by each governing official.

- **The stick: a mandate to report**

One question we asked the Cape bankers was whether they would support changes in legislation to make bank employees mandated reporters in Massachusetts. This might give them more protection from liability, but would increase their obligation to report. They said they "needed to think about it."

This was surprising. Shawmut bank personnel had felt that mandating them might give greater protection, but most of the other bank personnel we talked to said "No," very vociferously. This second view had been strongly confirmed at an initial meeting with a representative of the MBA.

We continued to keep this as an option while exploring incentives for banks to participate in the Project.

### 5. THE EDUCATIONAL MATERIALS

- **Quality and production values**

The Task Force agreed that, in designing materials for banks, good quality and production values were important. Materials needed to be consistent with outreach materials available in the private sector. Finding

<sup>2</sup> In replicating the Project, however, Utah has discovered that the banks in their state did not want publicity. Bankers seemed to feel that this would increase the potential for liability. See Appendix G for contacts in Utah.

adequate funding for the different components became critical. Individual agencies accepted responsibility for funding different training materials.

- **Consumer materials**

EOCA and DOB took primary responsibility for drafting consumer materials. Our original plans included a brochure, and posters for display, both to customers and also as a reminder to employees.

Further research, however, indicated that the brochure should take priority. Bank personnel appeared reluctant to "clutter" limited space with posters, and felt that this might prove a distraction to bank marketing strategies. With limited space available, priority should be given to advertising new product lines.

- **The training manuals**

We wanted the Trainer Reference Manual to be as comprehensive as possible. Designed to be used in the Train-the-Trainer Model, we wanted a bank trainer to be able to find all the answers necessary at his or her fingertips.

EOEA set aside funding for publication, and agreed to take primary responsibility for production, editing and distribution. With four authors, each taking responsibility for different sections, editing for style, content and unnecessary repetition became crucial. The manual went through numerous drafts.

Responsibility for much of the writing, and overall control, rested with the EOEA Project Task Force members. In order to capitalize on the expertise of the task force members, however, different sections were assigned to individuals. The attorney from OAG took responsibility for reworking the SIS Protocol. He produced a simple procedure for identifying

exploitation and working with both Protective Services and law enforcement. These became Sections II and III of the manual: Recognizing Financial Exploitation and Responding to Financial Exploitation.

DOB drafted sections stressing the benefits to banks in cooperating with the Project, and also designed various programs and product lines which banks could institute as preventative measures. At the request of EOEA, included among these was the "protected account." EOEA had identified this as a serious need.

A "protected account" is designed specifically to be offered to elders and vulnerable adults. It can be adapted to the individual's needs, and includes an option to "flag" the account. "Flagging" means that careful attention is paid to activity in the account. If "unusual" activity takes place, an immediate call is placed to the account holder to ensure the validity of the transaction.

The Employee Manual is a much more concise version of the Reference Manual. This was a comparatively easy task. The main challenge was to generate a version that was consistent with the "clearinghouse" concept. Clearly, we wanted to give tellers and customer services representatives enough information to report internally.

- **The training video**

The video was conceived as a twelve minute training aid, to be used in conjunction with the other training materials. We believed that it would be invaluable, as our research indicated that banks had limited time for training.

Using a series EOEA had developed, "Reporting Elder Abuse: You Can Make the

Difference,<sup>3</sup> as a sample, we made repeated attempts to secure funding. We received conceptual support, but no commitments. The primary barrier appeared to be the expense. We had an estimate of \$35,000 to produce a video of the quality we felt was required. Obviously it could be produced less expensively, but we held out for good production values. Our attempts to secure funding continued.

## IV. PUTTING ON THE BRAKES

### 1. GETTING A "QUALITY PRODUCT"

In mid-October, after a summer of frantic activity, the Task Force met again with the press secretaries to discuss plans for a press conference. From this meeting it became clear that the Project was in danger of sacrificing quality for speed. The press secretaries recommended that we have concrete "show-and-tell" materials available for the press conference, like the training manuals. In all Project components we were behind schedule.

We had also met again with the MBA. From this encounter it appeared that we could expect considerable support, but only if we did not force their hands by a premature announcement. This could alienate the industry rather than gaining their cooperation. We felt that active participation by the industry was the key to success.

With some trepidation, Task Force members reported back to their agencies. Luckily, we discovered that the consensus was that quality should prevail. The Project benefited in that both the Governor and Attorney General were

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<sup>3</sup> ©Images, Inc., 1993. This National OWL award winning series is available through Images, Inc., 11 Massasoit St., Northampton, MA 01060. Tel. (413) 585-5755.

clearly leading candidates in their races for reelection. This relieved pressure on the Task Force to complete the Project before the election.

### 2. POSITIVES AND NEGATIVES OF UNREALISTIC TIMELINES

We had discovered that the potential scope of the Project was enormous and should be performed properly. The timelines we had established initially had enabled the Task Force to perform an enormous amount of work. We needed to reassess our progress and establish what was still needed.

#### • Positives

We had developed a cohesive Task Force, made significant progress on the Protocol, consumer brochure and training manuals. We had a publicity campaign planned, and agreement among the government agencies over the direction the Project was taking. (See figure 3.3 for a detailed assessment of our progress.) The decision to delay the announcement of the Project, rather than to compromise quality, was a positive step. The industry would see this as responding to expressed concerns. We used this later to encourage the MBA into action, while making it clear that we could proceed without their active cooperation if necessary.

#### • Negatives

The speed with which we had been moving had not given the industry time to absorb the Project and come to an agreement. We also felt that leading with requests for funding support was an error. Our enthusiasm for the training video necessitated direct requests for funding. Industry representatives appeared to see this as a negative.

**Figure 3.3: Project Assessment, October 1994**

<b>Component</b>	<b>Progress to date</b>	<b>Necessary Steps</b>
1. Comprehensive Protocol including scams and consumer fraud, addressing liability issues sensitive to bank organizational structure.	<ul style="list-style-type: none"> <li>a. Research indicates more complex than anticipated.</li> <li>b. Tentative Protocol available for discussion with the industry.</li> </ul>	<ul style="list-style-type: none"> <li>a. Gaining the support of MBA and industry in controlling concerns and addressing issues before Protocol finalized.</li> <li>b. Legislation to mandate bank personnel as reporters possibly needed.</li> </ul>
2. Gaining credibility with, and active cooperation from, the industry.	<ul style="list-style-type: none"> <li>a. Commitment from MBA to work with Task Force.</li> <li>b. Contacts made with individual banks and Federal Reserve.</li> </ul>	<ul style="list-style-type: none"> <li>a. Continue to develop bank contacts,</li> <li>b. Work with MBA,</li> <li>c. Approach other trade organizations as needed.</li> </ul>
3. Seventy to 100 member Advisory Panel to review Protocol and materials when available.	Numerous contacts made in state and nationally.	<ul style="list-style-type: none"> <li>a. Develop further and get approval from all agencies.</li> <li>b. Develop evaluation form.</li> <li>c. Plan meeting for comprehensive feedback.</li> </ul>
4. Consumer Brochure.	First draft of brochure available. Needs additional work.	<ul style="list-style-type: none"> <li>a. Further review and redraft of brochure,</li> <li>b. Continue exploring necessity for other materials.</li> </ul>
5. Training manuals.	First drafts near completion.	Anticipated minimum two more drafts needed before approval and community review of penultimate drafts.
6. Video.	Minimal support, no funding available.	Pursue funding before effort put into scripting and other development.
7. Publicity Campaign.	Comprehensive plan developed for future activation.	On hold until other aspects finalized.

### 3. POWER AND CONTROL: ISSUES IN INTERAGENCY COLLABORATION

- **The lead agency**

EOEA had established itself as the lead agency, partly through committing staff and technical support to the Project Task Force. This position was not always easy to maintain.

Project Task Force members had to take a realistic approach to managing issues that arose. Examples of issues needing negotiating were: ultimate control of the project direction; which agency took the lead on specific components, and in approaching different entities; and whose press secretary contacted which media.

- **The letterhead**

One issue that arose immediately concerned the letterhead used by the Project. If individual agency letterhead were used, the implication to others would be that this agency was taking the lead.

The Task Force negotiated, and a solution was found and approved. A new letterhead was designed for the Project, including all agencies. This would be used for all Project business.<sup>4</sup>

The only exceptions to using the Project letterhead were if a contact was perceived to be potentially more responsive to an individual agency, or resistant to another. These rare exceptions were negotiated individually and in advance. All Project correspondence was approved by all agencies, regardless of the letterhead used.

- **Whose computer holds the data?**

Again, by providing the Project Director and the majority of technical support EOEA was able to maintain its status as lead agency. The minutes of each meeting, with only two exceptions, were written and distributed by EOEA. We also scheduled meetings, which helped maintain the pace and direction of the Project as a whole.

While projecting a responsive attitude to the needs of the other agencies as far as possible, this gave EOEA a significant advantage. Naturally we did not win all the battles.

EOEA also maintained creative control over the development of the training manuals, while EOCA was given the lead in developing the consumer brochure. This gave the agency with primary responsibility for individual Project components final control.

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<sup>4</sup> An example of the letterhead can be seen in Appendix D: Letter to the Project Advisory Panel.

**Figure 3.4: Keys to Success in Establishing an Interagency Project Task Force**

KEYS TO SUCCESS	FACTORS INVOLVED	IMPLICATIONS
1. Support from the top.	Governor, and heads of all involved agencies providing full conceptual, staff and technical support.	<ul style="list-style-type: none"> <li>a. Necessity for lengthy process of approval.</li> <li>b. Political sensitivities in interagency coalitions.</li> </ul>
2. Project Task Force size, time commitment and composition.	<p>Task Force must:</p> <ul style="list-style-type: none"> <li>a. Be big enough to have necessary expertise and contacts.</li> <li>b. Be small enough to be manageable.</li> <li>c. Have strong leadership.</li> <li>d. Be enthusiastic about the Project.</li> <li>e. Be willing to negotiate.</li> </ul>	<ul style="list-style-type: none"> <li>a. We were able to move quickly and efficiently with a core group of 5.</li> <li>b. Large staff time commitment must be anticipated, especially when staff have other responsibilities.</li> </ul>
3. Potential for positive press coverage, especially in an election year.	Encouraged collaboration between the agencies. Enthusiastic commitment from the top for the Project.	Risks of endangering quality by pushing onwards too fast and too soon
4. Actively seeking input and support from the industry.	<p>Helps to:</p> <ul style="list-style-type: none"> <li>a. Develop a feasible plan.</li> <li>b. Addressing concerns in advance.</li> <li>c. Use incentives rather than regulation.</li> </ul>	<p>Allow for time necessary to:</p> <ul style="list-style-type: none"> <li>a. Address concerns.</li> <li>b. Build support.</li> </ul>
5. Using Pilot projects as a basis.	<ul style="list-style-type: none"> <li>a. Used established credibility.</li> <li>b. Saved in adapting Protocol rather than starting from scratch.</li> </ul>	The Massachusetts Project can be used as a “Pilot” when other states attempt to replicate the Project.

## SECTION IV

# THE PUBLIC/PRIVATE PARTNERSHIP

### SUMMARY

In May 1995, a meeting with the Security and Loss Prevention and Legal and Regulatory Compliance Committees of the Massachusetts Bankers Association (MBA) indicated that there were still concerns regarding bank liability for breaching customer confidentiality in reporting. MBA endorsement was regarded as integral to the success of the Project. The Project Task Force agreed to a delay while the MBA convened a "working group" to examine issues further.

During the delay, work went ahead on producing the bank training materials. The Project also trained Protective Services field staff on appropriate interactions with banks. The MBA "working group" provided a set of Guidelines for participating banks in the Fall.

## I. THE MASSACHUSETTS BANKERS ASSOCIATION AGREES TO WORK WITH THE PROJECT

### 1. ADDRESSING MBA CONCERNS

Meeting with the Bank Reporting Project Task Force in November 1994, the Executive Vice President of State and Regulatory Policy at the Massachusetts Bankers Association (MBA) asked for elucidation in some areas. If he were satisfied with our responses, then he was willing to present the Project to the MBA Board of Directors, and support active participation by the organization. The Task Force welcomed the Deputy Secretary of EOCA to this meeting, so that she could address MBA concerns. The MBA representative asked for clarification in the following areas.

- Confidentiality, liability and money
  - a. *Confidentiality:* Would the customer's right to privacy be jeopardized?
  - b. What was the potential for *increased exposure to liability* for banks?
  - c. What were the *optimal and minimal roles* possible for the MBA? This could range from direct financial support, through active promotion, to simple endorsement.
  - d. What were the *projected costs for banks* in reporting, and cooperating with investigation? This would include staff time in training and research, and the cost of materials.

Apparently satisfied by Task Force responses, he requested a copy of the draft Protocol and other background materials, for review by two MBA committees: the Security and Loss

Prevention, and the Legal and Regulatory Compliance, Committees.

He suggested, subject to approval by his board, that he and the Director of Research at MBA, should participate in the Project Task Force. He was also open to the suggestions that the MBA be included in the Project letterhead, and that the MBA endorse the Project. He was more circumspect when it came to promising any funding support.

### 2. A PARTIAL COMMITMENT FROM THE MBA

By the next meeting the MBA board had agreed to the following steps:

- a. The MBA Executive Vice President of State and Regulatory Policy and the Director of Research would participate in the Task Force.
- b. The MBA would do further research into costs and legal questions. They would talk to our contacts at the pilot banks.
- c. The Protocol for reporting and cooperation (Section III, "Responding to Financial Exploitation," of the draft training manual) would be reviewed in detail by the MBA Security and Loss Prevention, and Legal and Regulatory Compliance, committees. This might take several months.
- d. The MBA was not willing to commit to financial help at this time. Their possible role in fund raising was still under discussion.

The Project Task Force agreed to this delay. We used the time to continue developing the training materials and consumer brochure.

## II. THE TURNING POINT

### 1. A LESSON IN SELLING THE PROJECT: THE MBA COMMITTEES

It was the end of May before the MBA got back to the Task Force to arrange a meeting with both committees. The Task Force was invited to present, in conjunction with Deborah Rothschild from the Springfield Institution for Savings (SIS), and Peter Howerton from Shawmut Bank, the pilot projects. The senior MBA representative on the Project Task Force took the lead in presenting the Project, stressing the Project's potential appeal to banks, and identifying the occasion as an opportunity for informal and open discussion. He emphasized:

- a. The *collaborative* nature of the Project;
- b. The *voluntary* nature of participation;
- c. The banking industry's *concern for protecting vulnerable customers*; and
- d. He pointed out that participating in the Project would be looked on favorably for *Community Reinvestment Act* approval.

• **Levels of participation**

A concept suggested earlier was delineated at this meeting. In an attempt to be flexible and address the needs of both large and small banks, several levels of participation were proposed. At the lowest level, banks would agree to display and/or distribute the consumer brochure, and report instances of abuse. At the highest level, banks would agree to contribute financially to the Project and participate fully in training. As originally conceived, these "levels" would be clearly identified for banks.

This idea was later rejected. Although it had the potential to be responsive to the needs of smaller banks with fewer available resources, the Project Task Force felt that all banks might be tempted to choose the lowest level possible.

We pointed out that banks participating at the lowest level might be risking additional liability. If a bank demonstrated an awareness of the Project through distributing the consumer brochure, but failed to prevent exploitation by training employees, establishing procedures for reporting, or reporting obvious instances of abuse, it could be exposing itself to future litigation.

### 2. LIABILITY AND CUSTOMER CONFIDENTIALITY ISSUES<sup>1</sup>

- **Breaching customer confidentiality in reporting**

Despite the repeated assurances of the Project Task Force that the Elder Abuse Statute protected bank employees from liability in reporting, the committees were unconvinced.<sup>2</sup> Committee members felt that Massachusetts General Law 167B, section 16, governing banks' release of financial information, put them in jeopardy. The two statutes appeared contradictory. This needed examination.

The Task Force agreed to look into this issue, but emphasized that no financial information needed to be released when a report was made. Furthermore, we said, all reports are kept confidential.

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<sup>1</sup> It is interesting to note that when New York State APS held a meeting with bank personnel to discuss replication of the Project, the same questions and objections were raised by the industry, in almost the same words.

<sup>2</sup> See Appendix A for the Statute, and Section I: The Pilot Project for more information on this issue.

- Breaching customer confidentiality in cooperating with investigation

The same statutes applied. The Task Force agreed to look into amending legislation to provide additional protection to banks, if necessary. We did point out that banks were covered in releasing information to law enforcement, and to the Federal Trade Commission (FTC), as we had learned from the Cape Focus Group. Finally, we emphasized, our own statute and regulations required Protective Services to obtain a consent form signed by the elder before initiating actions. If the elder were not competent to consent to our involvement, we needed to get a Protective Order through the court system, which should suffice for bank needs.

- Increased expectations through perceived “duty to report”

Participation in the Project might raise unrealistic expectations about the ability of bank employees to prevent financial exploitation. This might increase the risk of law suits from customers and their families, annoyed that they had lost money.

The Task Force agreed to explore the possibility of an opinion paper from the OAG, but pointed out that a blanket freedom from liability was extremely unlikely.

### 3. MANDATED REPORTING

- “This bank votes no!”

When the possibility of mandating banks to report came up, a general counsel from one of the largest banks, active in several New England states, made this emphatic statement.

There was unanimous agreement in this group that mandating bank employees to report elder abuse was a bad idea. Participants felt that they were already bound by too much paperwork, and that becoming mandated represented yet more governmental control of the private sector. They saw no benefits in this option. This was in contrast to Shawmut Bank representatives, who had felt that being mandated would offer more protection from liability.

- Raising the industry standard: Banks are mandated in other states!

The person who voted “No!” was visibly taken aback when we pointed out that in some other New England states bank employees are already mandated reporters of elder abuse. In New Hampshire, for example, reporting elder abuse is mandatory for everyone. This meant that her bank, active throughout New England, was already risking liability. The Task Force did not need to emphasize that, while Massachusetts was willing to hold back on this question, any bank active in more than one state might be at risk in failing to report. The solution for these banks might be to institute procedures for reporting consistent with statutes in all states.

- The pros and cons for the Project

The Project Task Force agreed not to pursue the option of filing legislation to mandate bank personnel as reporters of elder abuse in Massachusetts at this time. This decision was taken for several reasons:

- a. *The MBA committees were vociferously opposed.* We decided that if we continued to ask for voluntary cooperation we would receive more support.

- b. *Changing legislation would take time.* We anticipated that this could take at least two years.
- c. *Mandating professions and occupations does not ensure compliance.* Mandating bank personnel against their will could prove destructive.

Our impression that voluntary cooperation would be productive was born out during the first six months of Project implementation. During this period, Protective Services received as many reports from bank personnel as from physicians, who are mandated reporters of elder abuse in Massachusetts.

#### 4. THE IMPORTANCE OF CASE EXAMPLES

In our draft of the Trainer Reference Manual, which the MBA committees had reviewed, we had included case studies. The MBA representative opened the meeting by citing a case of which he was aware. Also, in presenting the Project, we spotlighted carefully chosen cases.

The case studies provoked considerable discussion. Bank personnel appeared to take them to heart, often expressing concern for customers and, occasionally, appeared surprised that the bank had not taken some action. One case study we used in presenting the Project, was particularly effective.

- **The case of “Mr. M”**

The Director of Protective Services had received a phone call from a bank teller. The teller wanted to know if we could do anything to help her long-term customer, Mr. M. Mr. M habitually visited the bank once a week, withdrawing about one hundred dollars each time. One week he came in three times,

accompanied by a “cheap-looking woman” (her words). Each time he drew out several thousand dollars. On the final occasion, he emptied his account. A few days later he returned, asking to withdraw his usual sum. The teller was forced to tell him he had no money left. He stood in the bank and cried, much to the distress of the teller. We used this story to great effect for several reasons:

- **This situation was preventable**

The teller had been concerned about Mr. M’s growing signs of confusion for some time, and had been aware that something was wrong from the first large withdrawal. We suggested that the situation might have been prevented in two ways.

- a. *An opportunity could have been made to talk to Mr. M when he made the first large withdrawal.* We suggested the use of our Fraud Alert form, as a mechanism to protect both the bank and Mr. M. By giving the form to all customers making large cash withdrawals, it would buy time. Security could use the opportunity of explaining the form to Mr. M as an excuse to talk to him in private. Bank personnel might gain some understanding of his reasons for making the withdrawal, and ascertain his relationship to the person accompanying him. He could be warned of the dangers of carrying large sums of cash, notified of current scams, and given the Elder Abuse Hotline number and advice about his options. Of course, if he were determined to withdraw the money, it was his right to do so. Security should use the conversation to screen the situation to see if it warranted a report.
- b. *The teller had noticed Mr. M’s increasing confusion was putting him at risk.* He was becoming more vulnerable to con artists

and unscrupulous family members. The bank could have acted as a referral source, helping him to access resources, like the Massachusetts Money Management Program, through the local Home Care agency. This could have helped prevent this situation.

- **Without an established policy and procedure the bank could have been placed at risk**

The teller had called Protective Services from outside the bank during her lunch break. She was extremely distressed by the situation, and felt that she had failed her customer. She believed that if her bank knew she was making a report she would be fired. The industry could not know how many reports of this kind were being made by employees. Although, in this case, the teller had remained anonymous, she could have named her bank, specified the branch, and given out confidential financial information. Training staff and instituting an established policy and procedures for reporting would reduce the risks for banks.

## 5. "MONEY IS THE BOTTOM LINE"

- **Concern for customers versus necessary expenses**

One committee member, voicing his support for the intent of the Project, pointed out that he needed more details on the cost of participating. From the ensuing discussion this appeared to be a general concern. The representatives from SIS and Shawmut Bank, were able to provide evidence that involvement was not onerous. Shawmut, for example, had made only forty reports in three states over a two year period. The main concern was in employee training time, which they agreed was necessary, the cost of materials, and the

expense involved in researching suspicious transactions.

The Task Force agreed to examine ways to provide brochures and training materials at cost, or free. If extensive research was necessary, banks should be able to negotiate expenses with the customer and/or Protective Services on an individual basis. The Task Force reminded the committee members that customers frequently complained that bank charges for these services were too high.

- **Technological advances**

One major concern expressed was that banks would find it difficult to identify some cases of financial exploitation due to the increase in electronic banking. The financial industry was clearly moving in this direction in an attempt to control costs. Establishing procedures to detect unusual activity in accounts might be possible, but would be prohibitively expensive for smaller banks. One possible solution was to increase customer awareness of the risks of electronic banking.<sup>3</sup>

## 6. THE PIVOTAL ROLE PLAYED BY THE PILOT PROJECTS

Towards the end of the meeting, Task Force members were asked to leave the room to allow private discussion. At this point, apparently, a full scale debate broke out. The representatives from SIS and Shawmut Bank argued eloquently and vociferously for participation in the Project. They believed that the financial industry was being offered an opportunity that should not be missed. Banks, they argued, should be able to put concern for customers before financial and self-protective motives. The Project offered a chance to do

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<sup>3</sup> This issue was raised on numerous occasions, and will be discussed further in Section VII.

this, and was clearly agreeing to safeguard banks from risk as far as possible.

We were not present for this discussion, but the enthusiastic support of the pilot banks clearly carried the day. When we were invited to return to the meeting, a qualified decision to support the Project had been reached.

## 7. ADAPTING TO THE RECOMMENDATIONS

- **The MBA “Working Group”**

The MBA now suggested that a “Working Group” drawn from participants in this meeting would examine the legal implications in more detail. They would then identify outstanding issues for the Project Task Force to consider addressing, and guidelines for Massachusetts banks participating in the Project. With feedback from this group, the Task Force worked to find compromises (see Figure 4.1).

- **Addressing the issues**

The Project Task Force began work to address the immediate concerns of the working group: Potential liability in reporting; breaching customer confidentiality in cooperating with investigations; and unrealistic expectations of bank's identifying cases.

- a. *The Attorney General provided a letter detailing reasonable expectations for bank employees in identifying abuse.*
- b. *We drafted a new consent form for elders to sign, requesting banks to release information to Protective Services.<sup>4</sup>*

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<sup>4</sup> Please see Appendix E for a copy of the consent form.

After the necessary internal EOEA approval, and acknowledgment from the “working group” that they were satisfied that this addressed the issue, we implemented the form in the Protective Services system. For easier recognition and consistency, law enforcement also agreed to implement this form.

- c. *The consumer brochure and training manuals* were redrafted to reflect feedback. Despite MBA complaints that the Reference Manual was too long, the Task Force resisted streamlining it further, on the grounds that important information would be omitted. We had also received requests for a comprehensive training manual from several bank personnel, on the grounds that they would not have to hunt for material.
- d. The Project agreed that *training manuals would be provided free* to participating banks. Banks were, however, encouraged to reproduce these materials internally to help defray costs.

The next meeting with the working group took place in August, when they provided draft “Guidelines” for banks considering participation. After discussion with the Task Force, this document was revised. A second version, omitting the levels of participation, was later distributed to all MBA membership banks.<sup>5</sup>

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<sup>5</sup> This document: Preventing Financial Exploitation of the Elderly: Guidelines for Financial Institutions is available through the MBA in limited quantities. We recommend that trade organizations in other states contact them directly at: The Massachusetts Bankers Association, 73 Tremont Street, Suite 306, Boston, MA 02108, tel. (617) 523-7595.

Figure 4.1: Issues, Solutions and Minimized Risk for Financial Institutions

THE ISSUE	THE SOLUTION	RISK MANAGEMENT
1. Inappropriate report by a bank (when no abuse had taken place) resulting in customer dissatisfaction.	<ul style="list-style-type: none"> <li>a. MGL 19A: Safeguards for reporters with “reasonable cause” to suspect abuse, “good faith” freedom from liability.<sup>6</sup></li> <li>b. The bank does not have to release specific financial information.</li> </ul>	Customer education is key. Reporting must be presented as standard industry practice for the welfare of customers.
2. Appropriate report made (abuse present) but customer/family annoyed.	<ul style="list-style-type: none"> <li>a. The identity of reporter is always kept confidential by Protective Services.</li> <li>b. Bank personnel should let Protective Services take the heat if customer suspects they reported.</li> </ul>	<ul style="list-style-type: none"> <li>a. Protecting the assets of vulnerable customers means that bank is protected from loss.</li> <li>b. May be a higher cost for the bank in not reporting, if customer/family sues for loss.</li> </ul>
3. Increased expectations of ability to identify all cases resulting in increased risk of incurring liability and/or bad press.	Opinion from the Attorney General delineating reasonable expectations of ability to identify abuse.	Risk is significantly reduced if bank trains employees and follows established procedures for reporting.
4. Participation increases risk of liability and accusations of negligence, especially if bank fails to identify and report “obvious” cases.	<ul style="list-style-type: none"> <li>a. Establish and follow through on employee training.</li> <li>b. Have clearly defined procedures for reporting.</li> </ul>	Failure of bank to participate increases the risk of liability for failure to protect funds, thus increasing the potential for bad press.
5. Potential for raised industry standard.	<ul style="list-style-type: none"> <li>a. Voluntary procedures may obviate the need to enact legislation.</li> <li>b. Banks might find legislation unnecessarily restrictive.</li> </ul>	<ul style="list-style-type: none"> <li>a. Industry standard is already being raised. Customers expect protection.</li> <li>b. Participation reduces the potential for bad publicity (i.e., at least the bank <i>tries</i> to prevent exploitation).</li> </ul>
6. Inappropriate release of financial information to law enforcement or Protective Services during investigation.	<p>Bank should only release information after receiving:</p> <ul style="list-style-type: none"> <li>a. Consent form signed by elder,</li> <li>b. A subpoena, or</li> <li>c. A Protective Order.</li> </ul>	Minimal risk of challenge, if procedures are defined and followed.

<sup>6</sup> Please see Appendix A for Massachusetts General Law, Chapter 19A sections 14-26.

### III. FORGING AHEAD

#### 1. CONVENING THE ADVISORY PANEL

Given the MBA's working group estimated time line, the Project Task Force agreed to continue with plans for the other Project components. By August, penultimate drafts of the consumer brochure and the two training manuals were distributed to the seventy-five member Advisory Panel<sup>7</sup>. We received twenty-nine written responses from panelists, and nine telephone calls gave us additional suggestions. A meeting hosted at the Federal Reserve Bank in Boston for the panelists was surprisingly well attended by over thirty people. Generally, the response to materials was positive, and the suggestions made for improvements, excellent. The questions and comments included:

- **Consumer risks in electronic banking**

There was evident tension about this issue among bank employees, community members, and elder advocates. The non-bank panelists felt strongly that banks should control better for risks associated with automatic teller machine transactions, credit card theft, and telephonic transfer of assets. The bank representatives were less confident of their ability to do this. They appeared surprised by the strength of public perception that responsibility for safeguards rested with the banking industry, not with the customer.

- **Community outreach and education**

Several panelists were pleased with the emphasis given to primary prevention through community outreach. This, they felt, was of enormous help in addressing risks associated with electronic banking, telemarketing fraud,

and in advertising the benefits and availability of direct deposit.

- **Safety deposit boxes**

An example of stealing from safety deposit boxes was given. The conclusion of the meeting was, however, that there were clear industry standards to guard against this, and that it was not a widespread problem. The Task Force agreed to consider this issue for the future.

- **Self-determination**

An animated discussion illustrated disagreement about elders' rights to make their own decisions. It was clear that some panelists felt the Project was intrusive; others felt that more action should be taken, even without an elder's consent. The Task Force took this opportunity to stress elders' rights in decision-making. We stated that the materials would be reviewed to ensure that elders' rights to self-determination were clearly understandable.

- **Elders who are not abused, but are having difficulty managing**

Several panelists pointed out that banks could perform a valuable community service by helping vulnerable older customers access resources quickly. If banks could act as an additional referral source for elders it would be an excellent side effect of the Project.

#### 2. GETTING ALL PROJECT COMPONENTS IN PLACE: TIMING AND FUNDING

- **Careful timing**

By convening the Advisory Panel when we did, the Project Task Force wanted to signal the

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<sup>7</sup> See Appendix D for a letter to the advisory panel.

MBA of our intentions to proceed with the Project. We preferred their full support, but wanted to move faster.

The strong feelings expressed by the panelists, however, also helped alert the industry to public perception. Not only was the Project wanted, but their active participation would generate positive public reactions.

- **The training manuals**

The Training Manuals were finally published in October 1995, after additional revisions. EOEA agreed that an initial run of 500 Trainer Reference Manuals would be funded through Title VII of the Older Americans Act, as these funds were intended for education and the prevention of elder abuse.

The Trainer Reference Manual would be provided free to participating banks. This version, colloquially called the "glossy" by the Task Force, had the best production values we could afford. Additional photocopied versions would be funded through EOEA.

The Employee Manual for front line staff would be funded by EOEA, which also would be responsible for distribution. The Consumer Brochure was produced by the MBA, who expected to recoup costs through selling it to participating banks at cost.

- **The video is tabled**

Asking for bank funding of the video had turned out to be a mistake. The MBA was unwilling to put effort into locating funding, and felt that asking for money might cause its membership to back away. Some banks had expressed interest in providing partial funding, however.

Unfortunately, as OAG and DOB have regulatory power over the industry, their soliciting funding from banks could be perceived as conflict of interest. By October, the Task Force conceded that funding options had been exhausted. We agreed that this must be temporarily tabled, while we went ahead with the Project.

### **3. TRAINING FOR PROTECTIVE SERVICES FIELD STAFF**

Protective Services held three regional training sessions for field staff during the summer. These sessions had a dual purpose:

- a. We wanted to *update the staff* on the Project Task Force's progress, and
- b. We wanted to give them *training on issues raised by the banking industry*. We had discovered that the industry was willing to work with us, but needed to explain to field staff the need for patience. Time was needed before banks were fully on board.

The meetings lasted approximately two hours and were mandatory for all Protective Services field staff. EOEA staff and the Task Force member from the OAG gave an overview of our progress so far. We stressed the need for Protective Services to follow the Protocol we had designed with individual banks, and introduced them to the new "bank" consent form.

The field staff were somewhat frustrated by the delay. They also felt that an additional consent form designed specifically for banks was unnecessary, and added to their paperwork burden. We explained that, as we expected others to understand our confidentiality requirements, we should respect the needs of the financial industry in this respect.

#### 4. REACTIVATING THE PUBLICITY CAMPAIGN

- The Governor's support

To make a large impact we needed to emphasize the Project as a bipartisan, public/private partnership, and believed that we could persuade Governor Weld to attend a press conference. The Governor's Office indicated that the Governor was very interested in attending. Not only was this encouraging, it also made our lives easier. The Governor's schedule took precedence, and all agency heads would plan their schedules around his. We proposed announcing the Project as soon as possible, before the holiday season.

- Another delay

The MBA again urged caution, and a delay. They suggested that we hold "briefing sessions" to introduce the Project to the industry, and get a commitment to participate from as many banks as possible in advance. They further suggested that we organize at least one training session for the day of the announcement, to give the press an additional photo opportunity. We should also be able to present the media with a fully developed state-wide training plan. We needed to have all the pieces in place so that we could swing into action with approximately one week's notice.

The Project Task Force also tried to locate elders who would be willing to tell their stories to the press. This was difficult, as many Protective Services clients are reluctant to admit they have been abused, and some were too frail or confused to be approached for this purpose. Similarly, victims of scams and consumer fraud are frequently embarrassed to admit they have been taken advantage of by strangers.

#### IV. WORKING WITH THE MBA: DIFFERING EXPECTATIONS

##### 1. DIFFERENT STYLES

The Project Task Force often found working with the MBA frustrating, mainly due to the long delays while they considered the implications of the Project. We also found them hard to read. We would sometimes leave a meeting with very little idea of what they were thinking.

In hindsight, the fact that the MBA were interested in continuing to work with us was positive. If the organization had decided to reject the Project, they would probably have said so, rather than wasting more time. We undoubtedly irritated the MBA representatives frequently, as we sometimes did not understand exactly what they were trying to tell us.

In contrast, EOEA has no direct power over the industry. Our position was more as supplicants: "Can we work together?" Our only obvious bargaining chip was to suggest legislation mandating bank personal as reporters. For the reasons discussed above, we did not want to overuse this.

We also felt that bank representatives expected us to be "touchy-feely" social workers. (As managers, we do not think we fit this stereotype!) There were some issues, however, where we could have been better prepared, or anticipated questions before they arose.

a. *Actual costs of bank implementation of the Project.* Pilot bank representatives eventually provided this information to the MBA committees. If possible, we should have had the data (or the representatives)

available when we first contacted the MBA, rather than talking (in their opinion) vaguely about minimizing costs.

- b. *A comprehensive training plan for training large numbers of banks.* We clearly spent some time talking at cross purposes on this issue. We underestimated the response the MBA endorsement would stimulate among their membership. They tried to warn us about the numbers they expected and the need for a period of intensive training. A written outline of our plans might have clarified differing expectations on both sides at an earlier stage.

## 2. POWER AND CONTROL

- **Maintaining the momentum**

We had formed the Project Task Force and developed a Protocol and materials prior to meeting with the MBA and asking for their help. This was an advantage in many ways. Although we needed to pause in our progress to address issues brought to us by the industry, this ensured a higher quality product.

It also clearly signaled the industry and the MBA that, although we wanted their input, and were willing to work with them to develop a feasible system, we could move ahead without them if necessary. At various times we reinforced this signal, for example, in convening the advisory panel before the MBA were satisfied that all their issues had been addressed.

- **Who's sitting in my chair?**

At different times power shifts between the Project Task Force and the MBA, were clearly evident in the meetings. Sometimes an agency was officially delegated to take the lead. For

example, obviously at meetings the MBA hosted for their committees, they lead the meeting. We were only invited to participate. At Task Force meetings involving the MBA, the most appropriate Task Force member for the task at hand could be asked to take the lead. However, we sometimes needed to maintain control, or wanted to put pressure on the MBA to make a decision.

We followed the model we had developed in working with SIS. We welcomed MBA input to our meetings and tried to respond to their needs. Careful planning often went into the meetings, in order to maintain momentum. Factors included:

- a. *Meeting planning.* The person who claims the busiest schedule controls the date. We needed to plan meetings in advance, and be tactful about balancing our needs, with those of the MBA. Generally we gave the MBA priority in scheduling meetings. After several postponements, late arrivals or no shows, we made a decision. Once a date was agreed on, the meeting would be held. The Project would move forward without the input of the absent members. This provided an incentive for everybody to attend.
- b. *The meeting location.* Although the Project director was from EOEA, the agency hosting the meeting was usually felt to have a home ground advantage. As meeting space is often at a premium in our building, this was not always easy to plan.
- c. *The power position.* In any given meeting the person at the head of the table *de facto* ran the meeting and dominated discussions. At times, depending on the content of the agenda, we allowed this. At others, Project staff needed to plan to arrive early and occupy these chairs in advance! This was a

change from the way we had operated previously, where seating had been more random.

- **Understanding organizational constraints**

While the MBA had originally needed full board approval to participate in the Project, they clearly had greater autonomy than the Task Force members. We had general concept approval, and many decisions could be made by the group.

When a substantial change was made, however, we needed to delay approximately three weeks to obtain approval. Needing internal agency approval was often useful to gain time to examine the implications of proposed actions. Rather than get swept away by a forceful argument, Task Force members could develop alternate strategies to propose at the next meeting.

Figure 4.2: Keys to Success in the Public Private Partnership

KEYS TO SUCCESS	FACTORS INVOLVED	IMPLICATIONS
1. Enthusiastic support from the Pilot Project banks.	Pilot banks were able to provide information on costs, time involvement, and risk control.	Time invested in setting up pilot projects was invaluable to us. Other states may point to MA as a statewide pilot.
2. Voluntary industry participation.	<ul style="list-style-type: none"> <li>a. Pursuing option to mandate bankers as reporters, versus</li> <li>b. Working with the industry to gain active cooperation.</li> </ul>	Dependent on industry goodwill, individual response of bank management.
3. MBA sponsorship.	<ul style="list-style-type: none"> <li>a. Allowed us to identify and respond to industry concerns (see figure 4.1 for details).</li> <li>b. Gave credibility to the Project in the industry.</li> </ul>	<ul style="list-style-type: none"> <li>a. Long time delay, to allow committees to examine statute and regulations governing the industry and Protective Services.</li> <li>b. Additional paperwork requirement for Protective Services (consent form).</li> </ul>
4. Flexibility of Protocol (can be adapted to the internal organizational structure of individual banks).	Establish clearly in advance what APS feels is negotiable and what is not (i.e., an established procedure for reporting is of paramount importance, the details of a bank's internal "clearinghouse" procedure is not).	Flexibility is essential given the diversity of size in the industry. Banks are more likely to sign on to the Project if they can establish procedures of their own.
5. "Clearinghouse" concept.	<ul style="list-style-type: none"> <li>a. Banks like to control the process. By using the clearinghouse, inappropriate reports can be screened out.</li> <li>b. Works to the advantage of Protective Services in reducing number of inappropriate reports.</li> </ul>	Dependent on the training and attitude of security and management. There is a risk that front line staff could correctly identify a case, but be unable to convince "clearinghouse" to respond or report to Protective Services or law enforcement.
6. Flexibility in what bank "participation" entails.	<ul style="list-style-type: none"> <li>a. Training employees,</li> <li>b. Reporting and cooperating with investigation,</li> <li>c. Developing new product lines,</li> <li>d. Distributing brochures, actively educating customers.</li> </ul>	Some desirable aspects are left to the good will of individual banks (i.e., costs for research are negotiated on a case-by-case basis).

## SECTION V

# PROJECT IMPLEMENTATION

### SUMMARY

The Massachusetts Bankers Association (MBA) was now willing to endorse the Project enthusiastically. They suggested sponsoring a series of "briefing sessions," to be held across the state to introduce the Project to their membership. Banks would then formally sign up to participate in the Project. The MBA promised considerable technical assistance and their participation in training.

The press conference announcing the Project, and the voluntary participation of over 150 banks, was held on February 13, 1996. Eighteen regional bank training sessions, were held between January and May. These sessions were open to representatives of other banks in the area and sponsored by "host banks." Using the "train-the-trainer" model, participants were largely bank security officers and management from several banks.

Following this, further bank training and community training sessions have been conducted by the Project and local Protective Services agency staff. These sessions are either internal training of one bank's front line staff in cooperation with bank trainers, or train-the-trainer, where several banks are involved.

## I. THE BRIEFING SESSIONS

### 1. THE PURPOSE

The MBA was ready to endorse the Project enthusiastically, and actively encourage member banks to cooperate voluntarily with us. The purpose of holding the briefing sessions for the industry was:

- **To encourage maximum participation by banks**

The Task Force agreed that announcing the Project with a listing of banks already committed to participating in the Project would be extremely effective in gaining press attention. This, in turn, would help encourage other banks to join the Project.

- **To identify and address industry concerns prior to Project announcement**

We would use the sessions to address any concerns felt by the industry. Having put time into researching the issues in advance, the MBA staff and working group members could address concerns from the industry perspective, and outline how risks could be minimized.

- **To provide a background for future training**

We would also use the briefing sessions to assess training needs, while simultaneously providing top management and security with an overview of the Project.

### 2. ENDORSEMENT AND TECHNICAL SUPPORT

Two briefing sessions were originally scheduled for November, with a third held after Project announcement. Sponsored by the MBA for their membership, the meetings were held at two locations, just outside Boston for the east region, and approximately seventy miles further west for banks in that area. The MBA booked and paid for the hotel location and provided all technical support for registration. All the Task Force had to do was show up, and provide copies of the two training manuals.

Approximately seventy bank CEOs, branch managers, and security personnel attended the first meeting. The second, scheduled for the afternoon of the same day, was more sparsely attended. Approximately 30 people attended. This was partly due to regional differences. The financial industry is concentrated in the east, while the more sparsely populated west has fewer banks.

### 3. CONTENT AND STYLE

- **Stressing the positive**

In presenting the Project the Task Force was guided by the MBA, who stressed the need to keep the meetings short, preferably under two hours. The meetings were extremely formal in style. Participants appeared attentive but unenthusiastic. They waited politely for the "question and answer period" before asking any questions.

Led by the MBA representative, who stated clearly that the Association strongly supported the Project, Task Force members provided an overview of the benefits for participating banks.

We again stressed the community service aspect of Project participation, the possibility of good publicity, and the demonstrated responsiveness of Project participation to the needs of older customers.

- **Simplicity**

This was also an opportunity to review the model Protocol and some of the training materials. We emphasized the simplicity of following our model. Essentially, we said, the Project has already done the work for you. The model protocol can be adapted to your internal bank procedures, and we have done our best to make it as simple and straightforward as possible.

We also pointed out the training agenda in the Reference Manual, and showed some examples of our training overheads. The Project would help banks by providing training, and we would be available to help train front-line employees in identifying abuse. Again, the effort required from the bank was minimal; they would not even have to develop their own training materials if they adhered to our model.

- **The “downside”**

The MBA wanted to demonstrate that the “downside” had been closely examined, and addressed. The MBA “working group” had raised concerns initially, and had been actively involved in developing the measures adopted to control for risk. Some objections and reservations, therefore, had been anticipated, analyzed and dealt with in advance.<sup>1</sup> Obviously, the Project could not guarantee that banks would never experience a negative response, but efforts had been made to protect banks as far as possible.

Banks should be able to move past these concerns.

Each speaker emphasized that the best method for banks to protect themselves from liability was to establish procedures for identifying and reporting abuse. Banks with an established procedure and trained employees would be able to: identify potential cases, interview customers to find out whether a report was appropriate, and maintain control over the information released to Protective Services or law enforcement.

- **The “upside”**

Peter Howerton, a vice president for security from Shawmut Bank, our second pilot project, was able to address many concerns. He concentrated on five main points: Time investment by the bank in training employees, reporting, time necessary in cooperating with the investigation, increased employee satisfaction, and customer reactions.

- a. *Time investment in training employees.* Shawmut had invested in a six hour training with Protective Services, using the train-the-trainer model. Follow up training had been conducted by himself and other security staff. He considered the time spent worthwhile, and suggested that Project training could be integrated into all employee training.
- b. *Reporting abuse was not onerous for the bank.* Active in four states at the time, Shawmut had made only 40 reports in the two years of their involvement.
- c. *The time involved in helping with investigation was not significantly large.* He felt that this was an important customer service banks could and should provide.
- d. *Increased employee satisfaction.* The time and expense involved in training and

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<sup>1</sup> An example of this was the new consent form for release of financial information to Protective Services and law enforcement, developed especially by the Project for use with banks. See Appendix D.

reporting were offset by increased employee satisfaction, to some extent. Shawmut front-line employees were relieved to be able to protect their customers better by reporting their suspicions to Security. Shawmut's use of the "clearinghouse" model meant that reports were made appropriately.

e. *Customer satisfaction.* Shawmut Bank had not received any complaints from customers after reports had been made to Protective Services. Only one customer had apparently suspected that the bank had been the source of a report, although this, of course, had not been confirmed by the caseworker. The customer came into the branch, specifically to thank the security officer in question for his concern, after the situation had been resolved with the help of Protective Services.

- **Questions and answers**

The question and answer sessions were animated. In each session, however, we did not meet with any questions we had not met previously.<sup>2</sup> One interesting point centered on proactive methods of prevention that banks might initiate. At each briefing session, one person in the audience was clearly enthusiastic about developing plans for product lines targeted toward elders' needs. The other participants, however, appeared more interested in reducing risks for the bank.

- **A trick question**

*"But isn't the situation far more complicated when the abuser is a family member?"* When this question came up our first instinct was to agree, and proceed to give a detailed explanation of the complexity of elder Protective Services work. We learned at the first briefing session that this was a mistake. The banking industry, in common with the rest of the population, finds it

easier to contemplate exploitation by strangers, to personal relationship exploitation. They were especially nervous about "interfering" with family affairs, and getting involved in family disputes.

We learned the correct answer to this question is: "Yes. That is why the Elder Protective Services Program exists. You make a report to us, and we are trained and prepared to deal with the complexity of these situations. The bank does not have to deal with it."

#### **4. COMMITMENTS TO PARTICIPATE**

- **Briefing session evaluations**

After each briefing session, we asked participants to complete a short evaluation form. The evaluations appeared fairly noncommittal. Each speaker received an adequate to good rating, as did the location and format. Participants did not frequently write in additional comments. The few that did, reiterated points made and noted during the question and answer session

- **Voluntary participation form**

The real test of success of the briefing sessions was not the evaluations but the bank's commitment to participate. The MBA distributed a form for each bank to return if it agreed formally to participate in the Project, and participate in the public relations initiative. The form was also used to order the consumer brochure through the MBA. Finally, each bank was asked to indicate if it were interested in receiving training through the Project.

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<sup>2</sup> See Section IV: The Turning Point, p. 47.

**Figure 5.1 Sample Briefing Session Agenda**

- 1. Introduction: Kevin Kiley, Massachusetts Bankers Association**
- 2. Project Overview: Craig Fox, Protective Services Regional Manager/Gillian Price, Protective Services Coordinator of Training, Executive Office of Elder Affairs**
- 3. The Protocol for Reporting: John Scheft, Office of the Attorney General**
- 4. The Pilot Project: Peter Howerton, Vice President for Security, Shawmut Bank**
- 5. Guidelines for Massachusetts Banks: Member of MBA Working Group**
- 6. Questions and Answers (panel discussion including previous speakers, and Bonita Irving, Community Development Director, Division of Banks)**

## **II. ANNOUNCING THE PROJECT**

### **1. PRESS CONFERENCE PLANNING**

- Maximum press coverage**

Planning for the press conference proceeded while the MBA continued to receive commitments to participate from their membership. With the Governor's interest in attending, we were assured of good coverage from the press. The challenge was to get coverage throughout the state, as we needed to hold the press conference in Boston, at a location convenient for the Governor. Considerable effort went into getting coverage in the western part of the state, where SIS is located.

- Two press releases**

Two press releases were sent out. The MBA provided their own announcement, while the government agencies developed a joint release. The advantage to this approach was that quotations from the Governor and each agency

head were not repetitive. Each quotation spoke to the issue in which that agency had been the most involved during the interagency collaboration. This also meant that the MBA was able to provide optimal exposure for its membership, through targeting its trade publications as well as general media.

- The press packet**

A press packet was prepared including the press releases, a consumer brochure, a list of participating banks, a Project overview, several case studies and an order of events. This was distributed, together with copies of the training materials. All materials were approved by the individual agencies in advance.

- Participating banks: 150 and counting...**

Included in the press packet was a "preliminary" listing of 152 banks, which had committed to the Project. This list exceeded our expectations. The resulting press coverage encouraged other banks to participate. Several

banks followed up on the initial impetus provided by the Project announcement to get local coverage of their efforts to train their employees and educate customers.<sup>3</sup>

- **An elder witness to exploitation: Ethical and legal questions**

We made valiant attempts to find elder victims of exploitation and fraud, who would be willing and able to talk to the press. This would be of great help in putting a human face to the issue, but we also knew that it would be a challenge.

We asked field staff to use their judgment in identifying closed cases where clients might be willing to testify. They identified several possibilities, but on following up, caseworkers decided that the elders involved were too frail, physically or mentally, to be asked to speak publicly. One past client did initially agree, but on reflection decided that she was afraid of retaliation if she spoke openly about the experience.

One gentleman, Mr. D, was willing to discuss the positive role played by a bank in identifying exploitation and cooperating with Protective Services in the successful resolution of a case. Mr. D was not the victim, but had been part of the solution.

A longtime friend had been financially exploited. At the time she was assessed by Protective Services to be competent, but not able to manage her own finances. She had given Mr. D her durable power of attorney and he had taken over money management for her. Sadly, her mental condition had deteriorated rapidly, and he was now acting for her to a greater extent. He was eager to tell the story, but she was no longer capable of giving her

consent to his participating in the press conference.

We explored both the legal and ethical implications of using this gentleman's story at length. We decided that it would be appropriate if he kept her identity confidential. He would be telling his own story of cooperation with banks and Protective Services. Unfortunately, on the day of the press conference the weather did not cooperate with our plans. Elderly himself, Mr. D decided that he was not up to driving to Boston with the caseworker in the snow.

## 2. THE RIGHT LOCATION

After some debate, and scouting several locations for feasibility, the Bank of Boston offered to host the press conference. We had considered several other locations, including smaller banks who had demonstrated early enthusiasm for the Project.

The Task Force agreed to this location, as the Bank of Boston's large lobby could hold several hundred people, was centrally located, and we hoped it would provide excellent photo opportunities for the press. Tellers making transactions would be visible behind the speakers, and the lobby was also open to the general public. The Bank of Boston had an incentive to host the press conference. It received excellent publicity, as its logo was clearly evident in press photographs.

## 3. TRAINING AT THE PRESS CONFERENCE

The Bank of Boston also agreed to a training session provided at the same time as the press conference to allow additional opportunities for filming. We had, earlier in the month, provided a two hour training session for

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<sup>3</sup> Please see Appendix F for examples of press coverage.

seventy employees of several different banks, also hosted by the Bank of Boston. This follow-up training was attended by thirty Bank of Boston employees, and began an hour before the press conference.

The session differed from other training sessions only in one respect. During our scheduled break, participants and trainers ran to the elevators and descended over twenty floors to swell the crowd at the press conference below. Rather breathlessly we returned to the training room, and resumed the session for the television cameras. We found this inhibiting. The participants remained frozen in their seats during filming, and only spoke when the cameras left.

#### 4. PRESENTATIONS TO THE PILOT BANKS

A highlight of the press conference was the presentation by the Governor of Certificates of Achievement to the Springfield Institution for Savings, and Shawmut Bank. Deborah Rothschild and Peter Howerton, two people who had been instrumental in setting up the pilots in their respective banks, accepted the certificates for their banks. The certificates were signed by the Secretaries of EOEA and EOCA, the Commissioner of Banks, the Attorney General, and the MBA Executive Vice President of State and Regulatory Policy.

Each recipient met and was photographed with the Governor and the local Protective Services supervisor who had worked with them on the pilot. This provided positive publicity and public recognition for the bank personnel, and for the local agency staff who had put so much effort into developing the Project.<sup>4</sup>

#### 5. POSITIVES AND NEGATIVES

The Project received excellent coverage by the media, and the Task Force felt that the press conference had been successful. We also were contacted by NBC's "TODAY" show shortly after the Project announcement. We arranged a small training session on short notice for them to film. The segment was shown several months later, and contrasted our initiative with a different model in California, using case examples from Florida.<sup>5</sup>

Prevention of scams and consumer fraud figured prominently in all the coverage the Project received, however. Financial exploitation by people known to or related to the elder was given scant attention. This was a predictable outcome, in many ways. Our experience is that the media and general public find it hard to accept that family members and those known to elders abuse them. Noting this, EOEA decided that some coverage was better than none at this time. While we accept that scam prevention was a more accessible topic for the media, we are committed to raising public awareness of elder abuse.<sup>6</sup>

### III. TRAINING: THE SECOND ROLLER COASTER RIDE

#### 1. THE THREE TIER MODEL

We had designed a three tier model of training. The initial phase or tier was to offer comprehensive statewide training for security officers, management and bank trainers.

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<sup>5</sup> Please see Appendix G for contacts in other states.

<sup>6</sup> See Section VII for further discussion of these issues.

<sup>4</sup> Please see Appendix E for a sample certificate.

Representatives from several banks would be trained at one time (we refer to this as "multibank" training). These staff would return to their individual organizations and train other employees with the aid of the Trainer Reference Manual and Employee Manual.

Support for internal training would be provided by Project staff, who would also be available to assist bank trainers. This internal training was designated the second tier. The final stage was for banks, law enforcement and Protective Services to collaborate in educating consumers on methods of prevention.

- **Necessary plan modification**

Our initial plan had been to involve local Protective Services field staff and law enforcement at all levels of training, to lessen the pressure on the EOEA staff involved in the Project. We modified this plan for two reasons.

- Quality control.* The MBA appeared uneasy about training by Protective Services field staff, an unknown quantity. They clearly stated a preference that multi-bank, train-the-trainer sessions be conducted by Project Task Force staff. They also offered to send MBA representatives to these training sessions, to lend the Project credibility and address questions as they were raised.
- Field staff anxiety.* We were confident of the ability of many of our Protective Services supervisors to provide training to banks. They seemed unexpectedly nervous, however. Their anxiety seemed to center on the material on scams and consumer fraud, but included feelings of insecurity about their ability to describe the Protocol and procedures adequately.

- **The revised plan**

The Task Force agreed that, under these circumstances, Project staff should conduct the initial round of training in cooperation with the MBA. EOEA decided to schedule a follow up session to "train field staff to train banks."

We also involved a local Protective Supervisor in each session, and all staff were required to attend at least one training session in their area. We hoped these measures would help reduce anxiety. Also, at the train-the-trainer sessions, we encouraged banks to involve local Protective Services staff and law enforcement in internal training as much as possible.

## **2. LOGISTICS OF TRAINING-THE-TRAINERS: (JANUARY - MAY 1996)**

- **The response**

The enthusiastic response from the banking community and resulting requests for training took the Task Force by surprise. Although the MBA had tried to warn us, we were unprepared for the numbers of banks requesting training. The MBA began tabulating the requests for training and scheduled twelve regional train-the-trainer sessions, beginning in January 1996.

Six more sessions were scheduled to respond to requests, for a total of eighteen sessions in five months. The MBA provided all technical support for these sessions.

At any given training session, the number of banks represented ranged from three to twenty-nine. Audiences ranged from approximately twenty bank personnel at some sessions, to over one hundred at others.

Figure 5.2: The Three Tier Training Model

TIER	TRAINERS	PARTICIPANTS
1. <b>Train-the-Trainer.</b> (Several banks involved in each session. Majority held January - May 1996).	Two Project staff with MBA representative. Protective Services field staff participation (brief) and observation of training.	Management, Security, bank trainers from several banks.
2. <b>Internal Bank Training.</b> (Individual bank follow up training. Majority held May 1996 to present).	Trained bank personnel in conjunction with local Protective Services staff and law enforcement. Project staff consultation and participation available on request.	a. Large banks: Security and branch managers. b. Small banks: Front line employees (tellers and customer services representatives)
3. <b>Community training.</b>	Bank personnel, local Protective Services staff and local police.	Community members.

- The host banks

We had discussed holding some sessions at local Home Care Corporations, but decided to take up the MBA on their offer to find banks willing to host regional training. Host banks were identified and, while most had conference rooms suitable for training, in two cases registration was so large that the bank rented space in hotels.

Host banks occasionally used the sessions for publicity, to good effect. Usually the trainers' permission was asked in advance. We requested that any interviews or press photographs should be restricted to before or after the session, if possible, so as not to disrupt training. The Project trainers also deliberately left the limelight to the MBA and host bank when this happened. The banking industry, not the Project staff, needed the publicity.

### 3. DIFFERING EXPECTATIONS AND STYLES

Generally at these sessions, we only trained branch managers, security officers and bank trainers. The training was designed for this level. One or two banks sent front line employees to this training. These individuals indicated in their evaluations that they felt out of their depth. In a rural area, a host bank advertised the session in the community, however. Not only bank employees, but state police, and local elder advocates also attended. We tried to adapt the training to this audience, on our feet, with some success.

- A formal agenda

Again supplying technical support, the MBA asked to adapt our training agenda to include an introduction by one of their representatives. The presence of MBA representatives was invaluable. They lent the Project a credibility the Project trainers could not have achieved alone.

They were also available to address any questions from their membership. This did result in a more formal agenda than we wanted, however,<sup>7</sup> and also cut into the time we had allowed for the sessions (see figure 5.3 for a sample MBA agenda). We wanted to keep the sessions under two hours, and allow for a 10 minute break.

- **Involving local Protective Services**

We also insisted on including a local Protective Services agency supervisor on the training agenda. We did this for the following reasons:

- To familiarize the bank trainees with the person and agency with whom they have contact in the future.* We also invited staff from other agencies in the area to attend, although only one acted as a speaker.
- A practice training for field staff.* We used this participation as a training opportunity for supervisors. They were anxious about their ability to perform bank training, and this was an opportunity both to observe and participate.
- Most importantly, we wanted to demonstrate to the MBA that *we had capable and effective trainers among the field staff.*

We were less successful in involving law enforcement personnel, who have rarely been present at our training sessions.

- **Testing the patience of the MBA**

Project trainers conformed to the MBA agenda initially, but felt that we would get better results with a more interactive presentation,

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<sup>7</sup> The MBA agenda is considerably more succinct than the Training Agenda recommended in the Trainer Reference Manual.

allowing time for open discussion. At the first sessions, although evaluations were good, participants appeared polite, awake, but subdued. Questioning during the break seemed to indicate, however, that they liked the presentation. They were used to being lectured, but were possibly inhibited by the presence of the MBA.

We decided to test the patience of the MBA by departing from the formal agenda. After the first few sessions, we asked the MBA representatives to reduce their introduction (which was sometimes running as long as 35 minutes) to 15 minutes only. Using case studies, and restricting ourselves to a brief overview of the problem, we covered the identification of financial exploitation and the Protocol for response. We encouraged questions at all times, not just at the end. The Protective Services Supervisor then walked the participants through reporting procedures, and gave an example of the successful resolution of a case of financial exploitation.

- **Prevention**

The initial agenda had focused on the identification of existing abuse and exploitation. Our final and important change was to include and encourage free discussion of methods of primary prevention. We started with methods developed or recommended by the Project (for example, the "Protected Account," elder friendly customer services, and the role of the industry in customer education).

We attempted to draw ideas from the participants, and learn from them which methods they thought were operable within their banks. To avoid a negative spin, we tried to ask for their help, to ask them to consider the impact of new product lines on an elder population, and to challenge them to be proactive in this area.

Figure 5.3: Sample Project and MBA Training Agenda

**Bank Reporting Project Training Session  
Compass Bank For Savings  
Fall River, Massachusetts  
Friday, January 26, 1996**

<b>9:00 am</b>	<b>Registration</b>
<b>9:15 am</b>	<b>Introductory Comments</b> Stuart Ryan, Director of Research Massachusetts Bankers Association
<b>9:30 am</b>	<b>Identifying Financial Exploitation</b> Donna Reulbach, Director of Protective Services Executive Office of Elder Affairs
<b>10:00 am</b>	<b>Responding to Financial Exploitation<sup>8</sup></b> Gillian Price, Coordinator of Training, Protective Services Executive Office of Elder Affairs
<b>Break: 10 minutes</b>	
<b>10:40 am</b>	<b>Protective Services Response</b> Alan Silvia, Protective Services Supervisor Coastline Elder Services, Inc.
<b>11:00 am</b>	<b>Questions and Answers</b>

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<sup>8</sup> The OAG trainer was preferred for this section. He could address legal questions with more authority. This session occurred during his temporary absence (see p. 70) and was chosen for inclusion to underline the need to have prepared back-up trainers available.

- **Evaluations<sup>9</sup>**

After each session participants filled in a short evaluation form. The evaluations were for the most part excellent, somewhat to our surprise, given what we felt were unresponsive audiences. As we made the presentation more interactive, evaluations remained consistently positive. We all felt that the presentation improved, however, and that the audiences became more engaged. A non-scientific survey showed a distinct increase in positive comments as time went on.

- **Through snowstorms and fire . . .**

Somewhat to our amazement, given the intense training plan and the worst winter Massachusetts had experienced in years, we did not have to cancel or postpone a single training session. Only one session was delayed. The host bank tried to contact the trainers two hours before the session, to notify us that the bank was being evacuated due to a five alarm fire in the next building.

Unable to reach us before we left, the bank got permission for reentry into the building and we held the training under difficult circumstances. The room was smoky, the water was cut off, and fire sirens were ever present. The trainers coughed for two days, and one evaluation simply said: "Water!"

This story is relevant because it demonstrates how seriously the financial community takes training. For bank employees training sessions are required, inflexible, and not likely to be canceled or postponed. No bank employee registered for this session turned around and went home, no-one left early, and no-one complained during the session. *If successful*

*bank training is to be conducted, trainers must be prepared and able to meet this standard.*

- **And sickness and surgery!**

The Project had three prepared trainers who had been involved in all stages of development: two from EOEA and one from OAG. All the trainers had other duties, and one position was part-time. Two of these trainers would join an MBA representative at each train-the-trainer session.

Unfortunately, as the training plan was implemented, two of the three were suddenly unavailable for nearly two months; one due to sickness, the other had surgery. This meant that responsibility for the initial training fell on EOEA as the lead agency involved. The Director of Protective Services and the two other Regional Managers prepared for and assisted with the early training sessions at short notice. With the return of the other trainers, the training schedule became more manageable. *Prepared back-up trainers must be available to meet bank schedules for training.*

#### **4. INDIVIDUAL BANK TRAINING**

- **Two models**

Internal training consists of assisting a bank to train its own personnel. These sessions are held at individual banks, and (following the initial intensive program January to May 1996) constitute the majority of our training today.

Internal training requires two models, depending on the size of the bank.

a. *Large banks.* In larger banks with many branches, internal training is conducted with branch managers and security officers, and resembles the train-the-trainer model.

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<sup>9</sup> Please see Section VI for analysis of evaluations.

b. *Small banks or regional branch training.* This training is for front-line employees: tellers and customer services representatives. This is in many ways the easiest training to conduct, as front-line employees recognize the situations we present, and are active and enthusiastic in discussion.

• **Responsibility of the bank**

Internal training is ongoing. By the time a bank requests internal training, it should have procedures for reporting established, with specified Security Officers or Management clearly identified as the "clearinghouse" to whom employees report concerns. Bank trainers are asked to present the procedures established by the bank.<sup>10</sup>

Project staff and Protective Services field staff do not address individual bank procedures. They concentrate on the identification of financial exploitation, the types of exploitation and elder abuse. They discuss appropriate methods of interacting with elders, especially if employees suspect abuse, and give an overview of typical Protective Services interventions.

We emphasize that employees should always follow the bank procedures for reporting when the elder is a bank customer. On the other hand, anyone may make a report of abuse to our hotline, and they can report to us directly if they suspect abuse of elders in the community. We have found that bank personnel are generally well informed about current scams and consumer fraud. This gives us the

opportunity to treat them as the experts they are in this area, and encourages interactive discussion. In addition Protective Services staff are kept current with valuable information through bank training.

**5. FOLLOW-UP TRAIN-THE-TRAINER SESSIONS (JUNE 1996 - APRIL 1997)**

These sessions, also ongoing, involve several banks at one training session. They generally include one Project trainer and local Protective Services field staff. In some areas, however, this type of training is conducted by two to three local designated Protective Services agency staff working together. This is especially useful when banks have branches in more than one agency catchment area. If more than one Protective Services agency is involved, and field staff are experienced and confident, the presence of a Project trainer is not considered necessary.

**6. COMMUNITY TRAINING WITH BANKS**

We were surprised at the enthusiasm demonstrated by some banks in conducting community training in conjunction with Protective Services. In Massachusetts, local Protective Services agencies are required to conduct a minimum of fifteen community training sessions a year. Frequently, these training sessions are held with mandated reporters, but training of elders is regarded as essential. Banks are often willing to provide the location, snacks, technical support, and outreach. Obviously, they see this as an opportunity for positive public relations.

For Protective Services supervisors who are often overburdened, the advantages can be great. One bank provided lunch for nearly one hundred older community members. The bank presented information on current scams and

<sup>10</sup> The banks we trained in the initial train-the-trainer sessions that have requested further internal training, have instituted procedures indistinguishable from our Protocol. Some, but not all, participating banks have instituted a fraud and elder abuse alert form. Many banks are simply copying and using our form, with the bank name appended. Bank employees have called this the single most important tool in prevention offered by the Project. See Section VI for full Project evaluation.

consumer fraud, while Protective Services gave a half hour presentation on financial exploitation and other types of elder abuse.

Not all community training is this successful. While some, especially smaller rural banks, are well informed, local Protective Services agencies have needed to provide some banks with advice on holding these events. Common misconceptions and mistakes include: inappropriate timing and location (evening at a shopping mall); inadequate or non-existent seating arrangements; inadequate advance publicity; and locations that are not accessible.

## 7. ADAPTING TO INDUSTRY NORMS IN TRAINING

As we continued internal bank training we realized that we had not fully assessed the norms of the industry in attitudes to training. A pattern clearly emerged which is relevant to training at all levels. One Protective Services supervisor agreed enthusiastically to provide training. She discovered that the bank wanted her to provide six evening sessions in different locations in rapid succession. The bank had already scheduled the sessions when she was contacted. Having agreed, rather than disappoint the bank contact, she provided the training, adding to her usually busy schedule. We strongly recommend that individual bank expectations are explored in advance, and offer the following hints.

- **Training schedules are intense**

Banks like to schedule training sessions in quick succession, so that employees are informed within the shortest possible time span. Care has to be taken to establish in advance the bank's expectations: the number of sessions required, the length of training, and the location. Trainers must be dependable, and

back-up staff should be available as, once committed, you must follow through on training.

- **Time for training is limited (but you can negotiate!)**

As we began the Project, we were told that we had unrealistic conceptions of the time banks had available to train front-line employees. Bank personnel recommended fifteen minutes. Tellers and customer services representatives are often part-time employees, and banks are reluctant to spend long periods providing training. Project training sessions, however, range from a maximum of two hours to a minimum of half an hour. We have been surprised by the number of banks who have agreed to this format. Given the demand for training, neither Project staff, nor local Protective Services staff are made available for training under 30 minutes.

- **Evening training**

Thanks to the MBA, we held the eighteen initial training sessions during business hours. Front-line employee training is usually held at the bank in the evenings. It is also possible to ask if you can present at branch manager or board meetings during business hours.

- **Formal presentations are the norm**

The Project trainers prefer interactive training, while bank personnel are used to a lecture format. In the course of training we found a middle ground, which is more consistent with our personal styles, and encourages more audience participation. Sessions became significantly more relaxed.

We have a difference of opinion among the two main Project trainers over including role play, especially in presentations for front-line

employees. One believes it would be useful, but the sessions are too short. The other says that getting a discussion going is like pulling teeth. She believes role play might embarrass and alienate participants, as they will not be used to this method.

The Project also offers a six hour train-the-

trainer session, which no bank has yet requested. We intend to settle the debate in this forum. Initially, Project trainers or Protective Services field staff can be prepared to demonstrate a role play, rather than expecting bank employees to volunteer. If reactions are positive, we will integrate role play into the training agenda.

Figure 5.4: Keys to Success in Project Implementation

KEYS TO SUCCESS	FACTORS INVOLVED	IMPLICATIONS
1. MBA support in introducing Project to the industry and cooperating with training.	a. Project endorsement, b. Issues addressed by peers, c. Selling the Project.	a. Enthusiastic participation by banks, b. Technical support.
2. Public Relations Campaign.	a. Share the limelight, b. Allow industry the glory, c. Acknowledge contributions of pilot banks.	a. Provides incentive for banks to participate if campaign is developed in advance, b. Positive coverage will encourage more banks to participate.
3. Provision of comprehensive statewide training for banks.	a. Use Train-the-Trainer model, b. Assess need in advance, c. Assume intensive schedule is required d. Provide training materials free of charge.	Must have: a. Dependable Project trainees willing to work flexible hours, b. Prepared back-up trainers for emergencies, c. Local field staff willing and prepared to assist, d. Funding or plan for funding for training materials.
4. Community training with banks.	a. Assess expectations in advance, b. Be generous and allow bank opportunity to improve public relations, c. Be prepared to provide assistance with elder issues.	a. Technical/financial support invaluable to the field, b. Provides interested, motivated, (and frequently well fed because many banks provide food) diverse community audience.

## SECTION VI

# PROJECT EVALUATION AND NEXT STEPS

### SUMMARY

In April 1997, fifteen months after Project implementation, we believe that the Project has enjoyed considerable success. One hundred and sixty-nine (169) banks in Massachusetts, controlling over 148 billion dollars in assets, have committed to active participation. Reports of elder abuse from bank employees have increased dramatically. Over two thousand, three hundred and thirty (2,330) bank employees have received training directly from Project trainers and local Elder Protective Services Agencies. Through the Train-the-Trainer model many other employees have received training from bank personnel.

In excess of 1,900 Trainer Reference Manuals and 2,750 Employee Training Manuals have been distributed. Over 221,000 consumer brochures have been purchased by participating banks for distribution to customers. Anecdotal evidence suggests that bank employees are enthusiastically implementing various prevention methods and that Protective Services are experiencing enhanced cooperation from the industry.

Future plans for the Project include: planning a conference to retain the impetus of the Project, distributing a newsletter, and extending the Project to financial institutions beyond the Massachusetts Bankers Association membership.

## I. WERE WE CONSISTENT WITH OUR GOALS?

### 1. WHAT WERE THE GOALS?

- EOEA's goals

EOEA's primary goals on initiating the Project can be summarized as follows:

- Prevention.* Educate bank employees and their customers in primary methods of prevention.
- Increased reporting.* Train bank employees to recognize suspected cases of elder abuse and to report them.
- Increased cooperation with banks.* Increase cooperation between Elder Protective Services and bank employees during investigation.

- Project Task Force Goals

For the other agencies collaborating in the Project Task Force, goals also included:

- Increased reporting to law enforcement* of face to face scams and other crimes; and *increased reporting of consumer fraud*;
- Increased successful prosecution of cases* of financial exploitation, and *restitution of funds*.

Our success in meeting EOEA's goals of increased awareness of elder abuse, cooperation and reporting to Protective Services is discussed in this section. Data are not available for measuring increases in reporting to law enforcement, or successful prosecution and restitution of funds.

## 2. WHAT WE MEASURED

- We quantified . . .

The response of the Massachusetts financial industry to the Project has been extremely positive. The success of the Project can be quantified in the following areas, discussed separately in greater detail below.

- Bank participation:* The initial response from the industry in participating in the Project;
- Training materials:* Requests for training manuals;
- Consumer brochures:* Ordered by banks for distribution;
- Increased reports to Protective Services;* and
- Responses to Project Training:* Which include attendance, evaluations and requests for further training.

- We estimated . . .

This evaluation focuses on training conducted by the Project trainers and by Elder Protective Services agency staff, rather than on the Train-the-Trainer model. The use of the Train-the-Trainer model, where bank trainers are not always able to provide data, and the large numbers of banks responding, has also made it hard to provide accurate figures regarding the exact numbers of bank employees who have received training.

Once institutionalized within an organization, use of Project materials should make it possible for all employees to receive some training.

Bank CEOs, trainers and security officers who provide internal training are rarely able to give exact numbers. We are also unable to assess the quality of training provided.

We believe, however, that the numbers of employees receiving training may be huge. For example, Peter Howerton of Fleet Bank (which merged with Shawmut Bank in early 1996) estimates that a minimum of 4,000 employees received training in Shawmut's initial training plan. The managers and security officers who were trained were responsible for training "retail" or front-line employees. It is possible that 10,000 employees have received some training through the Train-the-Trainer model at this bank alone.

Similarly, prevention and increased cooperation are hard to quantify. These issues are discussed below in "Anecdotal Evidence."

## II. QUANTITATIVE MEASURES

### 1. PROJECT PARTICIPATION

At the briefing sessions, participants were asked to complete and return a form indicating their institution's intention to participate in the Project. Agreeing to participate entailed agreement to: train employees; report suspicions of abuse; and implement components of a range of consumer education and preventative measures, including distribution of the consumer brochure.

On February 13, 1996, the day the Project was announced, 152 banks had committed to participate. This number has risen gradually. In April 1997, one hundred and sixty-nine

(169) financial institutions, of the MBA's 217<sup>1</sup> member banks, have joined the Project. These banks represent over 148 billion dollars in assets.<sup>2</sup>

We have no means of accurately assessing whether all participating banks are, in fact, training employees and reporting abuse. However, we believe that the signed form is an indication that the bank intends to participate in the Project. A bank, therefore, might be placed at increased risk of liability if it failed to follow through on this commitment.

### 2. TRAINING MANUALS AND THE TRAIN-THE-TRAINER MODEL

To date, over 1,900 copies of the Trainer Reference Manuals and over 2,750 Employee Manuals have been distributed to banks free of charge. These materials are provided by the Project trainers and Protective Services for use during Project training sessions. Seventy-four (74) branches, representing sixty-nine (69) banks, have also requested additional training manuals by mail to conduct their own sessions.

The use of the materials may be far greater than the above figures indicate. Using the Project's train-the-trainer model, banks are also encouraged to reproduce the manuals for internal use to help defray costs. Data are not available regarding internal bank reproduction.

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<sup>1</sup> At one point, 175 banks were participating in the Project, out of the MBA membership of 247 banks. Due to bank mergers this total has been reduced. The number of branches represented remains fairly constant, however.

<sup>2</sup> This figure is low. It does not include the assets represented by banks active in more than one state. These banks are unable to provide Massachusetts data alone.

### 3. CONSUMER BROCHURES

Massachusetts banks have ordered over 221,000 copies of the consumer brochure through the Massachusetts Bankers Association. These brochures are distributed to customers through direct customer contact, consumer seminars, and displays in banks. Some banks feel that brochures on display "clutter" limited available display space. They prefer to mail brochures to customers with bank statements or other information. Consumer education is vital in preventing elder abuse and financial exploitation.

### 4. INCREASED REPORTING TO PROTECTIVE SERVICES BY BANKS

Prior to Project implementation, few reports were made by bank employees to Protective Services. In calendar year 1995, under ten reports were received, usually from the two pilot project banks. Although some reports may have been made anonymously, we can see a dramatic increase following Project implementation. In calendar year 1996, 80 reports to Protective Services were made by bank personnel statewide. Between January and April, 1997, seventeen additional reports have been received.

**Figure 6.1: Increase in reporting to Protective Services by bank employees**

CALENDAR YEAR	# REPORTS RECEIVED FROM BANKS
1995: January 1—December 31 (Prior to Project implementation)	<10
1996: January 1—December 31 (Comprehensive training began January, 1996)	80 (800% increase)
1997: January 1—April 30	17

### 5. RESPONSE TO PROJECT TRAINING

- **Attendance at initial sessions (November 1995 to May 1996)**

Attendance at three (3) briefing sessions and eighteen (18) regional training sessions, between November 1995 and May 1996, provided approximately one thousand (1,000) employees of financial institutions with initial training.<sup>3</sup> We did not ask the exact job description of attendees at either the briefing sessions or the training sessions. Individual banks sent the employees for whom the training was thought

to be appropriate. We have combined the numbers, although the briefing sessions provided training to top management, while the training sessions were geared more to security officers and branch managers.

- **Evaluations of train-the-trainer sessions**

We distributed evaluation forms at fifteen (15) of the eighteen (18) initial training sessions.<sup>4</sup> These were deliberately kept brief, and bank employees were not asked to identify themselves or their bank.

<sup>3</sup> Please see Section V: Project Implementation for more information on training specifics.

<sup>4</sup> The trainers either forgot the forms, or forgot to distribute them at the other three sessions.

Figure 6.2: Summary of Training by Project Staff and Protective Services Field Staff..

TRAINING PROVIDED	# BANK REQUESTS	# SESSIONS PROVIDED	ESTIMATED # BANK PERSONNEL
<b>Initial Intensive Training:</b> <b>January 1996-May 1996</b> Includes 3 statewide briefing sessions and 18 train-the-trainer sessions.	150+	21	1,000
<b>Continuing sessions:</b> <b>June 1996 – April 1997</b> Includes Protective Services field staff training and additional train-the-trainer sessions by Project Staff	82	79	1,330
<b>Total:</b> Does not include training conducted by bank trainers independently.	169	101	2,330

A total of 382 evaluation forms from bank employees was returned, although some participants did not respond to all questions. At small sessions (under 25 participants) nearly all trainees returned the form. At larger sessions, we found only about half the forms were returned, and some were left blank.<sup>5</sup>

The evaluations indicate that among the respondents the response to the Project was overwhelmingly positive. In overall content, 97 percent of the bank employees felt that the training was at the right level, and provided sufficient information. (See figure 6.3 for details.)

We needed to find a careful balance. Too much information on identifying exploitation was sometimes felt to be patronizing by bank personnel. We were sometimes asked for more material on identification, however. We did find that some participants wanted to learn more about interviewing skills specific to elders. In the time we had available, we were not able to address this in any detail. During the session, however, we made it clear that further training on interviewing skills was available through local

<sup>5</sup> As some of the participants at each session were from the community or Protective Services, these individuals were asked to identify their affiliation when completing the form. In fact, these evaluations are comparatively easy to identify, as they proved to be much more critical than those provided by bank employees. Protective Services workers felt that insufficient time was given to program details and identifying elders with dementia. This was a Project policy choice. (See p. 62, "A trick question".) We felt that if banks needed this information, it would be better dealt with in follow-up training, or one-to-one interactions.

Figure 6.3: Evaluations of Initial Training (January - May 1996)

<b>Question 1. "I found the content of this presentation overall to be:"</b>				
Too low a level 7	The right level 371	Too abstract and complex 4	Total responses received 382	% Positive responses 97%
<b>Question 2. "In Identifying Financial Exploitation I felt the amount of information presented was:"</b>				
More than needed 9	The right level 366	Less than needed 7	Total # responses to question 382	% Positive responses 96%
<b>Question 3: "In Responding to Financial Exploitation (includes Protective Services response) I felt that the amount of information presented was:"</b>				
More than needed 3	The right level 359	Less than needed 14	Total # responses to question. 376	% Positive responses 95.5%

Protective Services agencies. We also encouraged bank personnel to consult with field staff if they had any concerns in this area.

Only 59 participants responded to the two open ended questions: Were there any concerns that were not addressed or were not addressed in sufficient detail, and did the participants have suggestions for improvement?

Positive comments were in the majority, for example: "Excellent presentation", "It's great to have somewhere to call", and "I work in a small institution. I had no idea this was a problem. I'll be more sensitive in the future."

We were more interested in the negative feedback, however. We received two complaints about the burden of increased responsibility for employees: "How can we do everything? This is too much!" Six others seemed unconvinced that we had addressed their concerns about breaches of customer confidentiality.

Only one training session received poor evaluations. In this session nearly a third of the participants were dissatisfied. Comments included: "boring," and "speakers were not prepared."

This was a very early session. It was also the only session where both trainers were filling in at short notice for the prepared Project Task Force trainers.<sup>6</sup>

## 6. REQUESTS FOR CONTINUING TRAINING

Since May 1996, we have continued providing training to banks using the model described in Section V. We received few requests for follow up training over the summer. In the fall, however, Local Protective Services agencies were encouraged to begin contacting participating banks to offer assistance. Banks also contact the Project directly to request help with training.

<sup>6</sup> See page 70, "And sickness and surgery!"

**Figure 6.4 Continuing Bank Training (June 1996 – April 1997) by Region and Protective Services Agency**

Agency and region	# of banks trained	# of sessions provided	Total employees trained (estimate)
<b>West Region</b>			
Berkshire	3	3	60
Franklin	1	1	15
Springfield	3	3	30
Highland Valley	1	6	186
WestMass	1	1	2
Tri-Valley	7	10	35
Montachusett	2	4	40
Worcester	1	2	80
BayPath	2	2	40
Additional Project training*	3	1	150
<b>West Region Total</b>	<b>31</b>	<b>33</b>	<b>638</b>
<b>South Region</b>			
Central Boston	2	0	0
Boston Senior	12	4	60
Southwest Boston	2	0	0
Bristol	12	12	60
Old Colony	5	5	110
Hessco	2	2	25
Cape	3	3	5
Coastline	2	2	40
South Shore	1	1	70
Additional Project training *	2	2	45
<b>South Region Total</b>	<b>39</b>	<b>31</b>	<b>440</b>
<b>North Region</b>			
Senior Care	0	0	0
Lynn	1	1	12
HES	0	0	0
Chelsea/Revere/Winthrop	0	0	0
Merrimack	1	5	20
Mystic	4	4	60
Minuteman	2	3	79
Somerville Cambridge	1	1	10
West Suburban	1	1	10
Additional Project training *	2	2	31
<b>North Region Total</b>	<b>12</b>	<b>17</b>	<b>252</b>
<b>Total Statewide**</b>	<b>82</b>	<b>81</b>	<b>1,330</b>

\* State level Project Task Force Trainers only, no Protective Services field staff involved in training session.

\*\* Note: Does not include January to May 1996 initial train-the-trainer sessions, see figure 6.2.

Some training sessions have been scheduled after a bank security officer has made a report, or consulted with Protective Services.

To date, (April 1997), a total of eighty (80) participating banks has requested and received follow-up training, and approximately one thousand three hundred and thirty (1,330) additional bank personnel have been trained through the Project and local Protective Services agencies. Some individuals may have attended more than one session (initial and follow-up training) but we do not think these numbers are large.

A six hour in-depth training session for bank trainers is also offered by the Project. No bank has requested this format to date.

### III. ANECDOTAL EVIDENCE

#### 1. CAN WE MEASURE PREVENTION?

*"The Fraud Alert form is the single most important tool we have for prevention."*  
A bank security officer.<sup>7</sup>

In a project of this scope, where a primary goal is prevention, results are not always quantifiable. We have no means of assessing the number of occasions where exploitation has been averted by appropriate use of the

<sup>7</sup> The Massachusetts Bankers Association conducted a survey of their membership in late 1996 to assess the success of the Project. The results of the survey are still being tabulated. As we have discussed elsewhere [Price, G. and Fox, C. (1997). The Massachusetts Bank Reporting Project: An edge against elder financial exploitation. *Journal of Elder Abuse and Neglect* 8(4) 59-71] the survey results include positive comments by bank personnel.

consumer brochure or fraud alert form developed by the Project.

Similarly, trained bank personnel, sensitized to situations where financial exploitation may occur, may be helping older customers to manage accounts and choose product lines that can help prevent exploitation and abuse. For example, if a customer needs assistance with bill paying a bank employee can suggest several options. These might include recommending the Massachusetts Money Management Program, or suggesting the customer open a second bank account, with automatic transfer of limited funds, instead of giving a caregiver access to a primary account.

#### 2. INCREASED COOPERATION

When beginning the Project, EOEA also wanted to increase cooperation between bank employees and Protective Services during the investigation of reports. Increased cooperation is not quantifiable, but anecdotal evidence suggests that relations between Protective Services and bank employees are greatly improved. Protective Services supervisors feel that improved interactions with bank employees are resulting in excellent cooperative action to prevent abuse.

- a. *Increased consultation.* Bank employees are not only reporting cases, but are also consulting with Protective Services more about suspicious situations. This builds a relationship, and increases the chances of appropriate reports when necessary.
- b. *Releasing information.* The consent form appears to be working well. Trained bank employees recognize the form and release information immediately. One supervisor comments that he had to remind a bank

employee to wait for the consent form before releasing information — perhaps the “golf principle” at work?

- c. *Cross training by bank employees.* Interaction during investigations is also an opportunity for caseworkers to learn from bank personnel. Protective Services workers can take advantage of the opportunity to learn more about banking practices, and financial matters in general, which sometimes intimidate them.
- d. *Assistance during investigation.* Trained bank employees are extremely helpful in tracking down financial information, for example, other accounts held by elders. They also try to be more flexible in reducing costs for researching transactions. Unfortunately, there seem to be few banks willing to waive these fees completely for abused elders. Protective Services supervisors are disappointed, but recommend always asking for senior citizen discounts, and reduced fees for low income clients, or extensive research. Bank employees who are aware of this issue and try to reduce costs, can help improve relations between customers, Protective Services and the industry.
- e. *Banks as a referral source.* Although this issue is only briefly mentioned in bank training, bank personnel are also referring self-neglecting elders to our Elder at Risk Program, which provides services to this population. Several supervisors also report an increase in referrals for other home care services by bank employees.

The Massachusetts Money Management Program, which is recommended as a preventive measure by the Project, has noticed an increase in volunteers employed by banks. This last may be coincidental, as

this program has recently conducted considerable outreach to banks as potential funding sources.

## IV. NEXT STEPS

### 1. A STATEWIDE CONFERENCE

In addition to continued training, in order to keep up the impetus of the Project, the Project Task Force proposed holding a state-wide conference for participating banks in Spring 1997.

We wanted to gather interested bank personnel together to generate additional evaluation data, and identify problems and positive aspects of the Project, a year after Project implementation.

We planned to ask for frank criticism, and identify any modifications necessary in the training materials. We also felt it necessary to offer an opportunity for banks to “brainstorm” ideas for prevention, and share their success stories. Unfortunately this conference has been postponed temporarily, due to EOEA staffing shortages.

### 2. A NEWSLETTER FOR PARTICIPATING BANKS

We are in the process of drafting a Project newsletter for the Massachusetts Bankers Association (MBA) member banks.

Planned as a quarterly publication, this should be an opportunity to share success stories, alert bank personnel to new methods of exploitation, remind them that training is available, and alert them to other developments. We also plan to feature a

particularly active or committed bank or individual in each issue.

Our first issue will feature the CEO of a small bank. She was committed, enthusiastic, and vocal in her support for the Project from the beginning. In addition, her bank is the first to develop and implement a product line recommended by the Project: a "protected account" that can be flagged, and the customer alerted, if unusual activity is detected.

### **3. EXTENDING THE PROJECT TO OTHER FINANCIAL INSTITUTIONS**

In the long term, we would like to extend the Project and train Credit Unions and Savings Banks, working with their respective trade organizations.

This seems particularly important for rural areas, where these are the financial institutions of choice for many elders. MBA membership does include some savings banks, but a concerted effort to contact credit unions has not yet been made.

When we began the Project we found that we had a large number of banks in Massachusetts. To add the even larger numbers of credit unions and savings banks, at that time, would have overwhelmed us.

We believe, however, that much of the information developed for banks is equally suitable for these institutions. We have been contacted with requests for copies of the materials by three interested credit unions which had heard about the Project. Their response has been extremely positive.

## SECTION VII

### GOING COAST TO COAST: IMPLICATIONS FOR A NATIONAL INITIATIVE

#### SUMMARY

This section describes some of the changes we have seen in the financial industry since we began planning the Project and discusses the reasons why we believe the Project should be extended nationally.

Issues discussed include: the reduction in number of small community based banks; the increase in large banks active in several states; differences in training banks of varying size; bank mergers; electronic banking; and the need to educate the general public.

## I. CHANGES IN THE FINANCIAL INDUSTRY

### 1. ARE THE DAYS OF SMALL BANKS NUMBERED?

Although many feel that the small bank's days are numbered, in Massachusetts there has been a considerable effort to preserve the small community based bank. To prevent a monopoly in any one area, when large banks merge they must divest themselves of some branches in specified communities.

We have worked with banks of all sizes successfully, due to the flexibility we tried to build into the Project and Protocol. There are changes in the industry, however. There are pros and cons in working with banks of differing sizes which require some discussion.

For this purpose we are dividing banks into three arbitrary groups: the biggest banks, active in more than one state; small banks, with under fifteen branches; and medium sized banks, any bank over fifteen branches active only in one state.

#### • Medium sized banks

Medium sized banks usually are large enough to have their own training staff. Project staff have provided some training to management and security of individual banks. We believe that banks of this size are able to follow through on training front-line staff fairly quickly and efficiently.

Medium sized bank may merge with others to create larger banks, or expand, but the real implications of changes in the financial industry concern the other two categories.

#### • Big banks

The largest banks, active in several states, have significant advantages in available resources for Project implementation and training. We also note that when banks are large enough to be active in more than one state, procedures and training on financial exploitation instituted in Massachusetts are also implemented elsewhere.

Shawmut Bank, for example, trained staff in Connecticut, New Hampshire, Rhode Island and Massachusetts, and worked in cooperation with Protective Services in those states. In other words, once a procedure is institutionalized within the organization, it will be extended to other states. In early 1996, Shawmut Bank merged with Fleet Bank. Their combined bank operations are enormous, extending throughout New England and into other east coast states.

In these, the largest banks, there may be unevenness in the commitment of different regional and branch managers to the Project. Commitment to and implementation of the Project may change if there is no strong internal advocate at a high level to follow through.

Similarly, information and training can take longer to filter down through the system in the larger banks. We provided training to seventy employees of one large Boston-based bank early in 1996. We have found that one or two branch managers in the western part of the state claim to have no knowledge of the Project. Referring these managers to high level contacts at the central office has, however, proved productive.

- **Small banks**

Small banks (one to fifteen branches) have a huge incentive to cooperate with the Project. Faced with the threat of takeover by larger banks, small banks are stressing that they can provide sensitive and personalized customer services, unavailable through a large bank. Advertising by small banks demonstrates that this is now their "selling point."

Responsiveness to customers' needs, individual knowledge of customers and demonstrated care for their well-being are hallmarks of the Project. Smaller banks, therefore, are enthusiastically embracing this concept, are visibly implementing components, and taking the lead in developing new product lines.

In Massachusetts, in an effort to maximize services for customers, smaller banks are also beginning to form cooperative ventures. In one area, for example, five small banks are forming a cooperative to increase Automatic Teller Machine (ATM) availability for their customers. In this way, they can emphasize personal service, while offering the convenience of larger numbers of ATMs. These banks can be approached as a cooperative, which is already pooling some resources.

## **2. BANK MERGERS: IS TRAINING WASTED?**

In Massachusetts, we have seen several bank mergers since the Project began. One merger affected one of our two pilot project banks, Shawmut Bank, NA. We do not believe that bank mergers have significantly detracted from the success of the Project as a whole, possibly because such large numbers of banks had

agreed to participate.<sup>1</sup> Some Massachusetts banks have merged with others already involved with training.

We also believe that training is never wasted. Many bank mergers result in downsizing of operations, the selling of branches to other institutions and reductions in staff. We hope that trained bank employees will take an awareness of the issues of elder abuse to their next employment.

A pattern is noticeable when bank mergers occur. If one merging bank is participating in the Project, the branches that were affiliated with that bank appear to continue to train employees and report cases. However, in branches controlled by the previously non-participating bank, employees appear to have no knowledge of the Project.

As significant internal restructuring is taking place, Project implementation is undoubtedly delayed as personnel absorb these changes. We hope that employees will receive training as procedures for training and reporting are institutionalized throughout the new organization.

## **3. ELECTRONIC BANKING: BY THE YEAR 2000?**

Banks are relying more and more on electronic banking, and most bank tellers do not expect future job security. While many elders prefer face-to-face interactions with "real people," the financial industry informs us that electronic banking is the wave of the future.

The Project has had its greatest success in training front-line employees to recognize

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<sup>1</sup> In Kentucky, an excellent initiative to train bank employees lost impetus following bank mergers. This may have been a temporary effect.

situations as they occur. Trained front-line bank employees and security officers can recognize and act upon situations quickly. The industry is cutting back on staffing, which will significantly reduce the amount of face-to-face contact between bank employees and customers.

We know that Automatic Teller Machine (ATM) transactions are extremely vulnerable to exploitation. Bank personnel also claim that ATM transactions are extremely hard to monitor. These are on the "low-tech" end of electronic banking. On a national level, we have yet to explore fully the risks associated with telephone and computer banking practices.

While we intend to continue to work with the industry in identifying methods of prevention for electronic banking practices, the Project Task Force believes that a national initiative is required to examine this question in detail.

## II. ADDRESSING A NATIONAL PROBLEM

### 1. THE BUCK STOPS HERE: WE MUST EDUCATE THE PUBLIC ABOUT ABUSE

When we announced the Project we noted that the majority of press coverage focused on "stranger exploitation"—scams and consumer fraud targeting the elderly and vulnerable adults. We believe a consistent national effort should be made to help reporters understand the enormity of the unseen abuse and exploitation of elders and vulnerable adults by family members, friends, fiduciaries and caregivers.

Educating about all types of elder abuse is integral to prevention. The Project includes primary prevention, the education of

consumers about risks, as one component of the Project. Banks, which frequently sponsor educational events for their customers, have responded well.

Banks, like all businesses, depend on the goodwill of consumers. Many banks are instituting the Project as a customer service. We believe that if the media and average consumer understand this as a preventative measure instituted for the protection of customers, banks will have a greater incentive to cooperate and report financial exploitation promptly. Swift intervention in these cases is imperative, as accounts and assets can be depleted with remarkable speed.

### 2. ADAPTING OR REPLICATING OUR MODEL

#### • Raising the industry standard

As we developed the Project, we emphasized to the financial industry that we were a national model for prevention. The Project, by its very existence, raises the industry standard for reporting suspicions of abuse and exploitation to the proper authority. This may open the door for other states to replicate or adapt our model.

#### • A consistent national response

In addition to the increasing numbers of cases reported to us, we are also seeing an increase in the rapid shifting of assets to out of state banks, or branches of banks in other states. This makes investigation difficult and reduces the chances of restitution of funds if banks in other states are not cooperative. In some recent cases, we have needed to ask for the release of information by banks in other states, without much success.

A national commitment from the financial industry to report abuse, consistent with statutes and regulations in every state, would greatly benefit vulnerable persons.

- **Build on work in other states**

In Massachusetts, one bank attorney found, to her horror, that her multi-state bank was in violation of laws mandating bankers as reporters of abuse in two other New England states. By developing the Project as a model, we hoped to streamline the process so that other states can work cooperatively with banks.

This seems to be increasingly urgent, as we look at changes in the industry, and the increasing number of large banks.

We have already begun referring some large banks to Elder and Adult Protective Services in other states. We encourage you to be familiar with the issues described in this guide. This may help reduce the time spent in setting up procedures.

- Local, regional or state-wide initiatives

We encourage you to adapt the Project to your needs. Even if a state-wide Project does not seem feasible at this time, a local or regional project can always be used as a pilot for a larger initiative later.

This is a national problem that needs a comprehensive response. The Massachusetts Bank Reporting Project staff invites you to consult with us at any time. Please keep us informed on your progress as you begin to institute similar programs.

## The Massachusetts Bank Reporting Project

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Figure 7.1. Overview of Keys to Success in Replicating the Project.

KEYS TO SUCCESS	FACTORS INVOLVED	IMPLICATIONS
1. Demonstrate success in other states.	a. Use the Massachusetts Bank Reporting Project as a model. b. Keep up-to-date with developments in other states (see Appendix H).	a. Builds up credibility, and b. Establishes an understanding that the Project will work.
2. Form a partnership with the industry.	a. Use self-interest as well as mandated reporting. b. Stress the benefits to the bank in community good will, profit, and reduced risks of liability. c. Point out that the Project will increase employee satisfaction. d. Keep the Protocol clear and simple. e. Be responsive to stated needs.	a. The enthusiastic response by MA banks demonstrates that voluntary participation may be as (if not more) effective than enacting legislation. b. Ensures a practical plan, industry cooperation, and compliance with our needs in increased reporting and cooperation.
3. Collaborate with other government agencies for a comprehensive plan.	Cover all the bases. Use regulatory powers as well as holding out incentives for participation.	Evidence of governmental (if not bipartisan) cooperation, gains positive press and community support.
4. Collaborate with trade organizations.	The MBA provided: a. Endorsement and credibility with the industry; b. Technical and material support (arranging training and producing consumer brochures); c. Advice on the needs of the industry, and assistance with addressing those needs; d. Their full support and presence at training sessions.	We regard the support of the MBA as integral to our success.
5. Design a comprehensive easily replicated training plan.	a. A train-the-trainer model can be easily replicated by bank trainers. b. Provide consultation, training and materials assistance to banks free of charge.	a. The response from the industry for training nearly overwhelmed our staffing capacity. b. Leading with requests for money may put banks off voluntary participation.

# APPENDICES

**Appendix A:**

Massachusetts General Law Chapter 19A, sections 14-26. The Elder Abuse Reporting Law

**Appendix B:**

The Massachusetts Bank Reporting Project Consumer Brochure It's Your Future

**Appendix C:**

Protocol developed by Springfield Institution for Savings (SIS) and Greater Springfield Senior Services Inc. (GSSSI)

**Appendix D:**

Example of Project Letterhead, letter to Advisory Panel

**Appendix E:**

Consent Form For the Release of Information by banks to Protective Services

**Appendix F:**

Project Press Packet and Sample Certificate of Achievement Presented to Pilot Banks

**Appendix G:**

Resources in Other States



## 19A:14. Definitions applicable to secs. 14—26.

Section 14. For the purposes of sections fourteen to twenty-six, inclusive, the following words and terms shall, unless the context otherwise requires, have the following meaning:

“Abuse”, an act or omission which results in serious physical or emotional injury to an elderly person or financial exploitation of an elderly person; provided, however, that no person shall be considered to be abused or neglected for the sole reason that such person is being furnished or relies upon treatment in accordance with the tenets and teachings of a church or religious denomination by a duly accredited practitioner thereof.

“Caretaker”, the person responsible for the care of an elderly person, which responsibility may arise as the result of a family relationship, or by a voluntary or contractual duty undertaken on behalf of an elderly person, or may arise by a fiduciary duty imposed by law.

“Conservator”, a person who is appointed to manage the estate of a person pursuant to chapter two hundred and one.

“Court”, the probate and family court.

“Department”, the department of elder affairs.

“Elderly person”, an individual who is sixty years of age or over.

“Emergency”, a situation in which an elderly person is living in conditions which present a substantial risk of death or immediate and serious physical or mental harm.

“Financial exploitation”, an act or omission by another person, which causes a substantial monetary or property loss to an elderly person, or causes a substantial monetary or property gain to the other person, which gain would otherwise benefit the elderly person but for the act or omission of such other person; provided, however, that such an act or omission shall not be construed as financial exploitation if the elderly person has knowingly consented to such act or omission unless such consent is a consequence of misrepresentation, undue influence, coercion or threat of force by such other person; and, provided further, that financial exploitation shall not be construed to interfere with or prohibit a bona fide gift by an elderly person or to apply to any act or practice in the conduct of any trade or commerce declared unlawful by section two of chapter ninety-three A.

“Guardian”, a person who has qualified as a guardian of an elderly person pursuant to chapter two hundred and one, but shall not include a guardian *ad litem*.

“Protected person”, an elderly person for whom a conservator or guardian has been appointed or other protective order has been made.

"Protective services", services which are necessary to prevent, eliminate or remedy the effects of abuse to an elderly person. 41  
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"Protective services agency", a public or nonprofit private agency, corporation, board, or organization designated by the department pursuant to this chapter to furnish protective services to elderly persons. 43  
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19A:15. Reports of abuse; liability.

[Text through subsection (a) effective until January 13, 1995. For text effective January 13, 1995, see below.]

Section 15. (a) Any physician, physician assistant, medical intern, dentist, nurse, family counselor, probation officer, social worker, policeman, firefighter, emergency medical technician, licensed psychologist, coroner, registered physical therapist, registered occupational therapist, osteopath, podiatrist, executive director of a licensed home health agency or executive director of a homemaker service agency who has reasonable cause to believe that an elderly person is suffering from or has died as a result of abuse, shall immediately make a verbal report of such information or cause a report to be made to the department or its designated agency and shall within forty-eight hours make a written report to the department or its designated agency. Any person so required to make such reports who fails to do so shall be punished by a fine of not more than one thousand dollars.

[Text through subsection (a) as amended by 1994, 354, Sec 2 effective January 13, 1995. For text effective until January 13, 1995, see above.]

Section 15. (a) Any physician, physician assistant, medical intern, dentist, nurse, family counselor, probation officer, social worker, policeman, firefighter, emergency medical technician, licensed psychologist, coroner, registered physical therapist, registered occupational therapist, osteopath, podiatrist, executive director of a licensed home health agency or executive director of a homemaker service agency or manager of an assisted living residence who has reasonable cause to believe that an elderly person is suffering from or has died as a result of abuse, shall immediately make a verbal report of such information or cause a report to be made to the department or its designated agency and shall within forty-eight hours make a written report to the department or its designated agency. Any person so required to make such reports who fails to do so shall be punished by a fine of not more than one thousand dollars.

(b) The executive director of a home care corporation, licensed home health agency or homemaker service agency shall establish procedures within such agency to ensure that homemakers, home health aides, case managers or other staff of said agency who have reasonable cause to believe that an elderly person has been abused shall report such case to

the executive director of the corporation or agency. The executive director shall immediately make a verbal report of such information or cause a report to be made to the department or its designated agency and shall within forty-eight hours make a written report to the department or its designated agency.	33
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(c) In addition to a person required to report under the provisions of subsection (a) of this section, any other person may make such a report to the department or its designated agency, if any such person has reasonable cause to believe that an elderly person is suffering from or has died as a result of abuse.	38
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(d) No person required to report pursuant to the provisions of subsection (a) shall be liable in any civil or criminal action by reason of such report; provided, however, that such person did not perpetrate, inflict or cause said abuse. No other person making such a report pursuant to the provisions of subsection (b) or (c) shall be liable in any civil or criminal action by reason of such report if it was made in good faith; provided, however, that such person did not perpetrate, inflict or cause said abuse. Any person making a report under subsection (a), (b) or (c) who, in the determination of the department or the district attorney may have perpetrated, inflicted or caused said abuse may be liable in a civil or criminal action by reason of such report. No employer or supervisor may discharge, demote, transfer, reduce pay, benefits or work privileges, prepare a negative work performance evaluation, or take any other action detrimental to an employee or supervisee who files a report in accordance with the provisions of this section by reason of such report.	43
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(e) Reports made pursuant to subsections (a) and (b) shall contain the name, address and approximate age of the elderly person who is the subject of the report, information regarding the nature and extent of the abuse, the name of the person's caretaker, if known, any medical treatment being received or immediately required, if known, any other information the reporter believes to be relevant to the investigation, and the name and address of the reporter and where said reporter may be contacted, if the reporter wishes to provide said information. The department shall publicize the provisions of this section and the process by which reports of abuse shall be made.	59
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(f) Any privilege established by sections one hundred and thirty-five A and one hundred and thirty-five B of chapter one hundred and twelve or section twenty B of chapter two hundred and thirty-three relating to the exclusion of confidential communications shall not prohibit the filing of a report pursuant to the provisions of subsection (a), (b) or (c).	69
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## 19A:16. Protective services system.

Section 16. (a) Subject to appropriation, the department shall develop a coordinated system of protective services for elderly persons who	1
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are determined to be abused. In planning this system, the department	3
shall require input from the department of social services, the existing	4
protective service agencies and other agencies currently involved in the	5
provision of social, health, legal, nutritional, and other services to the	6
elderly, as well as elderly advocacy organizations.	7
(b) Within this protective services system, the department shall	8
establish a mechanism for the receipt of reports made pursuant to	9
section fifteen which shall operate and be accessible on a twenty-four	10
hour per day basis. If the department or its designated agency has	11
reasonable cause to believe that an elderly person has died as a result of	12
abuse, the death shall be reported immediately to the district attorney of	13
the county in which the abuse occurred. Within forty-five days of the	14
receipt of a report made pursuant to subsection (a) of said section fifteen,	15
the department or its designated agency shall notify the reporter, in	16
writing, of its response to the report. Such notification shall be made to	17
a person who makes a report pursuant to subsection (c) of said section	18
fifteen if said reporter so requests.	19
(c) Subject to appropriation, the department shall designate at least	20
one local agency to act on behalf of the department with a geographic	21
area as defined by the department. The department may designate any	22
public agency or private nonprofit organization which has the capacity to	23
implement a service plan through direct access to social, health and	24
mental health services. The department shall utilize existing resources	25
and services of public and nonprofit private agencies in providing protec-	26
tive services. The department shall insure that assessment, evaluation	27
and service delivery shall be provided through the designated local	28
agency closest to the elderly person's community.	29
In designating agencies, the department shall insure that: (1) persons	30
conducting assessment, evaluation and service delivery have demonstrat-	31
ed experience in providing protective and other social health services to	32
elders, have these protective functions as their primary employment	33
responsibility, and have other professional qualifications as determined	34
by the secretary; (2) continuity of care under one protective services	35
worker is assured throughout assessment, evaluation and services deliv-	36
ery to the extent possible; and (3) the department and the designated	37
agencies have the capacity to respond to an emergency and provide or	38
arrange for services to alleviate the immediate danger of abuse of an	39
elderly person on twenty-four hours per day basis.	40
The department shall monitor assessments, evaluations, and the provi-	41
sion of protective services by designated local agencies.	42
(d) The department shall issue regulations establishing criteria and	43
procedures for the designation of protective services agencies or for the	44
termination or designation or redesignation of protective services agen-	45
cies.	46

(e) The department shall be responsible for continuing coordination and supervision of the system. In carrying out these duties, the department shall, subject to appropriation: (1) adopt rules and regulations for the system; (2) continuously monitor the effectiveness of the system and perform evaluative research about it; and (3) utilize grants from federal, state and other public and private sources to support the system.	47
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## 19A:17. Protective services agencies; authorized activities.

Section 17. A protective services agency is authorized:	1
(1) to receive and investigate reports of abuse;	2
(2) to furnish protective services to an elderly person with his or her consent;	3
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(3) to petition the court for appointment of a conservator or guardian or for issuance of an emergency order for protective services;	5
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(4) to furnish protective services to an elderly person on an emergency basis as hereinafter provided;	7
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(5) to furnish protective services to a protected person with the consent of such person's guardian or conservator;	9
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(6) to serve as conservator, guardian, or temporary guardian of a protected person; and	11
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(7) to perform all other functions determined by the department to be necessary for the administration of this chapter.	13
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## 19A:18. Assessment and evaluation of reports; investigations; arrangement for protective services.

Section 18. (a) The department or its designated agency shall assess and evaluate the information reported pursuant to the provisions of section fifteen.	1
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Such assessment shall include a visit to the residence of the elderly person who is the subject of the report and may include consultations with appropriate service agencies and individuals who have knowledge of the elderly person's situation including the person filing the report. The elderly person who is the subject of the report shall receive written notice that an assessment is being conducted and shall have the right to review the file and report developed as a result of the assessment.	4
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If the assessment results in a determination that the elderly person is suffering from abuse, the department or the designated agency shall evaluate the elderly person's functional capacity, situation, and resources and shall develop a service plan for the provision of protective services. Said plan shall be appropriate to the needs of the elderly person and shall utilize the least restrictive alternatives.	11
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The department shall adopt rules and regulations establishing time limits for the completion of assessments and evaluations and for the implementation of service plans; provided, however, that if an emergency exists, assessments shall be completed within twenty-four hours of the receipt of the report.	17 18 19 20 21
If an assessment results in a determination that the elderly person has suffered serious abuse, the department or designated agency shall report such determination to the district attorney of the county where the abuse occurred within forty-eight hours. The district attorney may investigate and decide whether to initiate criminal proceedings.	22 23 24 25 26
(b) The department or the designated agency shall provide or arrange for protective services in accordance with the service plan developed pursuant to the provisions of subsection (a). Protective services shall include, but not be limited to, the following: the capacity to respond to an emergency; protective services case work; the capacity to provide or arrange for a homemaker, home-health aide, transportation, legal assistance, counseling, nutrition services, guardianship and conservatorship, protective order through the court, emergency shelter, foster care, and adult day care services.	27 28 29 30 31 32 33 34 35
The department or the designated agency is authorized to arrange for additional services necessary to assist and protect elderly persons who have been abused, including, but not limited to, the following: medical care, mental health care and emergency financial assistance.	36 37 38 39

## 19A:19. Consent to protective services; interference with provision of services.

Section 19. (a) Any elderly person who requests or affirmatively consents to the receipt of protective services may receive said services. If the person withdraws or refuses consent, the service shall not be provided or continued except as provided in section twenty.	1 2 3 4
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(b) No person shall interfere with the provision of protective services to an elderly person who requests or consents to receive such services. In the event that interference occurs on a continuing basis, the department, a protective services agency, or the public guardian may petition the court to enjoin such interference.	5 6 7 8 9
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## 19A:20. Lack of capacity to consent to protective services; hearings; emergency orders; placement or commitment.

Section 20. (a) If the department or its designated agency has reasonable cause to believe that an elderly person is suffering from abuse and lacks the capacity to consent to the provision of protective services, the department or its designated agency may petition the court for a finding that the elderly person is incapable of consenting to the provision of protective services. Said petition shall set forth the specific facts upon which the department or the designated agency relied in	1 2 3 4 5 6 7
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making the determination. The court shall hold a hearing on the matter	8
within fourteen days of the filing of the petition. The court shall give	9
notice to the elderly person who is the subject of the petition at least five	10
days prior to the date set for the hearing. The elderly person who is the	11
subject of the petition shall have the right to be present, be represented	12
by counsel, present evidence, and examine and cross-examine witnesses.	13
If the elderly person who is the subject of the petition is indigent, the	14
court shall appoint counsel to represent such elderly person. If the	15
court determines that the elderly person lacks the capacity to retain	16
counsel or waive the right to counsel, the court shall appoint a guardian	17
ad litem to represent the interests of such elderly person. If, after	18
hearing, the court determines, based on the preponderance of the	19
evidence, that such elderly person has been abused, is in need of	20
protective services and lacks the capacity to consent and no other person	21
who is authorized to consent is available or willing to consent, the court	22
may appoint a conservator, guardian or other person authorized to	23
consent to the provision of protective services; provided, however, that	24
the court shall establish the least restrictive form of fiduciary represen-	25
tation that will satisfy the needs of such elderly person. In addition to	26
or in the alternative, the court may issue an order requiring the	27
provision of services. The order shall contain a specific description of	28
the services to be provided and insure that the least restrictive alterna-	29
tives are utilized. An order for protective services for an elderly person	30
pursuant to this subsection shall remain in effect for a period of six	31
months, unless otherwise stipulated in such order. The court may, for	32
good cause shown, extend an order for protective services. Such exten-	33
sion shall remain in effect for a period of six months, unless otherwise	34
stipulated in such order.	35
(b) If an emergency exists and the department, its designated agen-	36
cy, a member of the immediate family or a caretaker has reasonable	37
cause to believe that an elderly person is suffering from abuse and lacks	38
the capacity to consent to the provision of protective services, said	39
department, designated agency, member of the immediate family or	40
caretaker may petition the court for an emergency order of protective	41
services. The court shall give notice to the elderly person who is the	42
subject of the petition at least twenty-four hours prior to the hearing.	43
The court may dispense with notice upon finding that immediate and	44
reasonable foreseeable physical harm to the individual or others will	45
result from the twenty-four hour delay and that reasonable attempts	46
have been made to give such notice. If the elderly person who is the	47
subject of the petition is indigent, the court shall appoint counsel to	48
represent such elderly person. If after the hearing, the court deter-	49
mines, based on the preponderance of the evidence, that the elderly	50
person has been or is being abused, that an emergency exists, and that	51
the elderly person lacks the capacity to consent to the provision of	52
services, the court may order the provision of protective services on an	53

emergency basis. The court shall order only those services necessary to remove the conditions creating the emergency and shall specially designate the authorized services in its order. If the court determines that the elderly person lacks the capacity to retain counsel or waive the right to counsel, the court shall appoint a guardian ad litem to represent the interest of such elderly person following the entry of such emergency order. The order for emergency protective services shall remain in effect for a period not to exceed fourteen days. Said order may be extended for an additional period not to exceed fourteen days if the court finds that the extension is necessary to remove the emergency.

(c) The court shall not order an institutional placement or change of residence unless it finds that no less restrictive alternative will meet the needs of the elderly person. No elderly person may be committed to a mental health facility pursuant to this chapter. The elderly person or his or her court-appointed representative, the department, or the designated agency may petition to have any order issued pursuant to subsection (a) or (b) set aside or modified at any time.

19A:21. Geriatric evaluation process.

Section 21. (a) Subject to appropriation, the department shall establish a geriatric evaluation process for the purpose of conducting a comprehensive physical, mental, or social evaluation of an elderly person for whom a petition has been filed in a court for appointment of a conservator or guardian, under the provisions of clause (3) of section seventeen, or for an emergency order for protective services.

(b) The evaluation of an elderly person conducted by the geriatric evaluation process shall include at least the following:

- (1) the name and address of the place where the person is residing and of the person or agency, if any, who is providing services at present; 9  
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- (2) a description of the treatment and services, if any, presently being provided to the person; 11  
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- (3) an evaluation of the person's present physical, mental, and social conditions; and 13  
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- (4) a recommendation concerning the least restrictive course of services, care or treatment consistent with the person's needs. 15  
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(c) Subject to appropriation, the cost of this evaluation shall be borne by the department. 17  
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(d) Such elderly person shall have the right, at his own expense to secure an independent medical and psychological or psychiatric examination relevant to the issue involved in any hearing under this section and to present a report of his independent evaluation or the evaluator's personal testimony as evidence at the hearing. 19  
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## 19A:22. Financial eligibility guidelines; reimbursements by elderly persons.

Section 22. The department shall establish, by regulation, financial  
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ment or agency shall make such data fully available to him or his authorized representative, upon his request, in a form comprehensible to him, unless doing so is prohibited or excused under the provisions of this or any other statute. In making any disclosure or information to a data subject the department or agency may remove personal identifiers relating to a third person, except where such third person is an officer or employee of a government or non-governmental department or agency obligated to make assessments under this chapter. 27  
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(d) Any agent or employee of the department, a designated agency, or any other agency obligated to make an assessment under this chapter who violates the provisions of chapter sixty-six A, as modified by this section, with respect to records created or maintained under this chapter shall be punished by a fine of not more than five hundred dollars, or, if harm shall have resulted to anyone whose privacy was sought to be protected by the provision violated, by a fine of not more than one thousand dollars, and, if such agent or employee is employed by the commonwealth, he shall also be subject to administrative disciplinary action pursuant to regulations adopted by the department or agency under section two of chapter thirty A. 35  
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(e) No provision of chapter sixty-six A, section one hundred and thirty-five of chapter one hundred and twelve or this section relating to confidential data or confidential communications shall prohibit the department or designated agency from making reports to the district attorney under subsection (b) of section sixteen or subsection (a) of section eighteen, or from providing in such reports to the district attorney any information obtained by the department or a designated agency under section fifteen or section eighteen. No person providing notification or information to a district attorney or testimony in court pursuant to the provisions of this subsection shall be liable in any civil or criminal act by reason of such action. 46  
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Nothing herein shall be construed to limit the prosecutorial power of a district attorney. 57  
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No provision of chapter sixty-six A, section one hundred and thirty-five of chapter one hundred and twelve, or any other provision of law relating to confidential data or confidential communications shall prohibit the department, by its appropriate employees, or any designated protective services agency, by its appropriate employees from testifying in any judicial proceeding pursuant to subsections (a) and (b) of section twenty, chapter two hundred and one, or chapter two hundred and nine A where the employee has acquired the information which is the subject of his testimony while conducting an assessment in accordance with section eighteen. Such testimony shall not include the identity of the reporter of abuse under section fifteen. 59  
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## 19A:24. Reports.

Section 24. Within one hundred and twenty days following the end of each fiscal year, the department shall submit a report to the governor, the general court and the public which shall include a description of the activities of the department and all designated agencies pursuant to sections fourteen to twenty-seven, inclusive, during the preceding fiscal year. Said report shall contain statistical information about the number and types of reports received under section fifteen; the results of the assessments and evaluations conducted and the amount, type and costs of services provided under section eighteen; and information on the quality of services provided and the results of such services in terms of alleviating abuse. Said report shall identify problems that may arise in the implementation of this chapter and shall contain the recommendations of the department for action on the part of the legislature.

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## 19A:25. Rules and regulations.

Section 25. The secretary shall adopt and from time to time revise rules and regulations for the implementation of the provisions of sections fifteen to twenty-four, inclusive.

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## 19A:26. Powers and responsibilities of other departments or agencies.

Section 26. Nothing in this chapter shall be construed to be a limitation of the powers and responsibilities assigned by law to other departments or agencies.

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## 19A:27. Definitions applicable to secs. 27—35.

Section 27. For the purpose of sections twenty-seven to thirty-five, inclusive, the following words and terms shall, unless the context requires otherwise, have the following meanings:—

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“Act”, any action or decision made by an owner, employee or agent of a long term care facility, or by a government agency or any condition within a long term care facility which affects the provision of service to a resident therein.

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“Long term care facility”, any facility subject to licensure by the department of public health pursuant to the provisions of section seventy-one of chapter one hundred and eleven.

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“Resident”, any person who is receiving treatment or care in long term care facility including, but not limited to, application or admission, retention, confinement, commitment, period of residence, transfer, discharge and instances directly related to such status.

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“Designee”, a member of the staff of the state nursing home ombudsman or any director of a local nursing home ombudsman program; provided, however, that said directors have been certified by the state nursing home ombudsman, as hereinafter defined.

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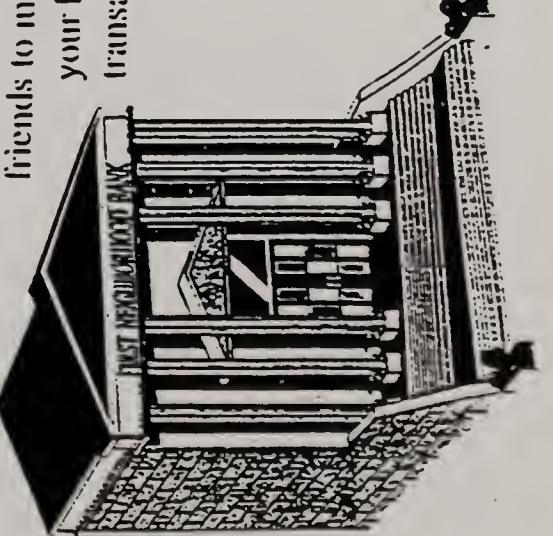


Never sign anything you don't understand. If you are unsure about whether to sign a document, have a trusted friend or other advisor review it. Know the consequences of agreements by getting answers you understand.



**Plan ahead.** The more you plan for your future, the more control you will have over your resources. Pre-arranged funerals and fiduciary arrangements increase the chance that your wishes will be followed if you become incapacitated or die.

**Protect your money.** Your bank may be able to help you protect your money by arranging your accounts to control access to your funds or allow trusted friends to monitor your banking transactions.



**ELDER ABUSE HOTLINE**  
(To report financial abuse)  
**1 (800) 922-2275**

Executive Office of Elder Affairs  
(617) 727-7750  
*For information on services for the elderly.*

Office of the Attorney General  
(617) 727-8400  
*For consumer complaints, company complaint history and the regulation of charities.*

Executive Office of Consumer Affairs  
(617) 727-7780  
*For general consumer information - oversees new and used vehicle warranty programs and home improvement contractor program.*

Division of Banks  
(617) 727-3145  
*Regulates state-chartered banks, state-chartered credit unions, mortgage brokers, and mortgage companies.*

## Protect Your Savings

*Prepared in support of the Massachusetts Bank Reporting Project  
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Executive Office of Elder Affairs  
Executive Office of Consumer Affairs  
Attorney General's Office  
Division of Banks  
Massachusetts Bankers Association

The financial exploitation of elders occurs at a staggering rate. It can take the form of a con artist, bogus charity, unscrupulous contractor, or even an abusive family member or acquaintance. If you think you or someone you know may be a victim of financial exploitation, call the Elder Abuse Hotline at (800) 922-2275.

To protect yourself from financial loss, consider taking the following steps:

**Ask for help.** Financial matters can be confusing. If you have questions or need assistance, ask for help from your bank, a trusted family member, friend, clergy member, social worker, or other professional.

**Stay socially active.** Social isolation in-

creases your risk of becoming a victim of abuse. Become familiar with the many programs in your community designed to bring people together and to help older people and their families.



**Document financial arrangements.** By putting financial arrangements in writing you not only protect yourself but you also reduce the likelihood of future misunderstandings or legal proceedings.

**Don't give away property to anyone in exchange for promises of lifelong care.**

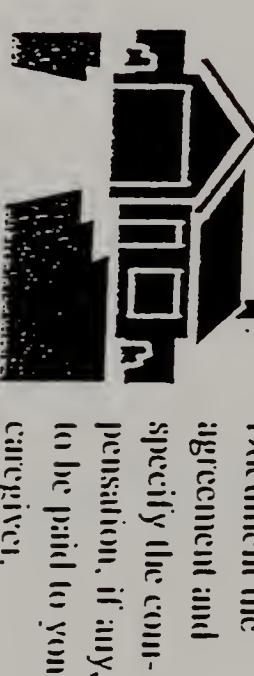
Before you enter into an agreement for life-

long care, discuss the ar-

rangement with a trusted

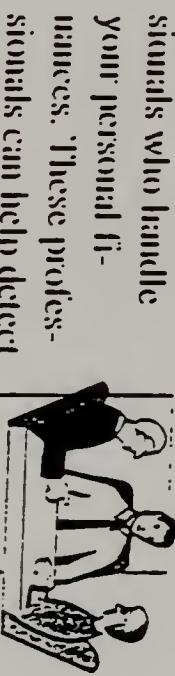
friend or advisor.

Document the



agreement and specify the compensation, if any, to be paid to your caregiver.

**Get to know your banker, attorney, and/or financial advisor.** Establish relationships with the professionals who handle



your personal finan-

cies. These professionals can help detect changes in your financial activity that may signal a problem.

**Beware of con games.** Don't assume that you are too clever to be swindled. Con artists are very skillful and can manipulate people in many ways.

**Include a compensation clause in any power of attorney.** Before you assign a power of attorney, make sure you understand the scope of the agreement and the authority you are giving to your agent. You should also specify the compensation, if any, to be paid to your agent.

## REMEMBER!

- Don't give your money to anyone who claims to need your help investigating a dishonest bank employee or who claims to have just found a large sum of cash.

- Check the references and credentials of anyone who wants to work for you, including utility workers and town employees.

- Pay with a check rather than cash to maintain a paper trail of transactions.

- Don't give your ATM PIN number or other financial information to strangers or anyone else who does not need to know.

- If you don't use your ATM card, cancel it.

- Don't give your credit card number over the phone unless you placed the call.

- Beware of door-to-door sales people and phone sales pitches.

- If you're told you've just won a prize, you probably haven't.

- Verify charities with the Public Charities Division of the Attorney General.

- Above all, if it sounds too good to be true, it probably is!

SPRINGFIELD INSTITUTION FOR SAVINGS (SIS)  
FINANCIAL EXPLOITATION OF ELDERS:  
REPORTING PROCEDURES

I. WHEN REPORTS SHOULD BE MADE

Chapter 19A of the Massachusetts General Laws (M.G.L.) defines the illegal financial exploitation of elders as follows:

"Financial exploitation", an act or omission by another person, which causes a substantial monetary or property loss to an elderly person, or causes a substantial monetary or property gain to the other person, which gain would otherwise benefit the elderly person but for the act or omission of such other person; provided, however, that such an act or omission shall not be construed as financial exploitation if the elderly person has knowingly consented to such act or omission unless such consent is a consequence of misrepresentation, undue influence, coercion or threat of force by such other person; and provided further, that financial exploitation shall not be construed to interfere with or prohibit a bona fide gift by an elderly person or to apply to any act or practice in the conduct of any trade or commerce declared unlawful by Section II of Chapter 93 (Consumer Protection Act).

II. TYPES OF FINANCIAL EXPLOITATION

1. Mismanagement of Income/Assets:

Willful misuse of the elder's finances by a family member, caretaker, friend, or legal fiduciary. Included would be cases where large sums of the elder's money are removed from a joint account without the elder's consent.

2. Signing/Cashing Checks or Documents without Elder's Authorization:

Forging and cashing of checks, or removal (theft) of an elder's money from a bank account without the elder's knowledge, for use by another person.

3. Transfer of Assets Under Duress:

Transfer of title or deed to property, such as homes, stocks, vehicles bank accounts, or other assets, as a result of coercion, force, intimidation or threat of force.

\* Note: Use of force can include such acts as the withholding of food, isolation, confinement, as well as acts of physical violence.

Reporting Procedures  
Page 2

4. Obtaining Money or Personal Possessions by Threat of Force or Force:

Use of coercion, intimidation, force or threat of force, in order to obtain money or material possessions from the elder.

5. Obtaining Money or Other Assets by Deceit or Trickery:

Obtaining consent of the elder to give or sign over money or other assets through misrepresentation of the intent of the transaction.

III. FORMAT OF REPORTS

Reports of suspected elder financial exploitation should be made orally to the SIS Security Department. An Incident/Suspected Abuse Report (Attachment A), provided to all branches by Security, should be filled out at the time of the initial telephone call to the Security Department. Both the oral and written reports should be made to the Security Department by the close of the next business day.

Any teller or Customer Service person who believes a reportable condition exists may contact the Security Department directly. However, if the teller or Customer Service person is uncertain, they should discuss the matter with the Branch Manager or Assistant Branch Manager.

IV. DESIGNATED CLEARINGHOUSE FOR REPORTS

All reports of suspected financial exploitation of elders must be submitted to SIS' Security Department. The Director of Security (in consultation with the Bank's Compliance Department) is charged with making the final determination as to whether a report of apparent violation shall be filed with the appropriate Protective Services Unit. The report may be made by calling the Unit during normal business hours or by calling the Elder Abuse Hotline (1-800-922-2275) nights, holidays, and weekends.

INVESTIGATION PROTOCOL: Release of Information  
by Banks to Protective Services Agencies

Executive Office of Elder Affairs  
Protective Services Program  
Commonwealth of Massachusetts

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An Agreement Between:

Springfield Institution for Savings (SIS)

and

Greater Springfield Senior Services, Inc.

- I. The Protective Services Agency (PSA) will contact bank personnel through the Security Office of SIS Bank where additional information (for example, observations by the teller of the interaction between an elder and the alleged perpetrator) is needed during investigations.
- II. To request information about client accounts (for example, account transactions, amounts of specific checks, signatures on checks):
  - A. A request will be made that the elder accompany the Protective Services Caseworker to the bank, to sign the consent form in the presence of security personnel.
  - B. If the client cannot/will not go to the bank to sign a release and the elder appears to have the capacity to consent:
    1. A signed release will be obtained, releasing bank account records and will be signed by a witness. (Sample release is attached).
    2. The Protective Services Caseworker will contact the bank Security Officer to clarify what specific information is being sought, and provide the consent form. Faxed consent forms do not present legal signatures, and so are not acceptable.

Investigation Protocol - SIS Bank and Greater Springfield Senior Services, Inc.  
Page 2

3. Bank Security will provide initial research for records/information requested. Copies of specific checks/account activity will be provided at no charge. Payment for subsequent research/copies of documents may be required depending on the amount of research requested.
- C. In cases where a POA or court appointed fiduciary is acting on the elder's behalf:
  1. Where there is a Power of Attorney, SIS will release information with a release signed by the principle owner (the elder) or the attorney in fact (person holding the POA).
  2. Where there is a Guardian or Conservator acting on the elder's behalf:
    - (a) A signed release should be obtained from the fiduciary. If the Protective Services Agency believes the elder has the capacity to consent (for example, cases involving a Conservator), a signed release may be obtained from the elder. SIS will release information to the elder where the account was originally opened by the elder, and a guardian/conservator was later appointed and added to the account.
    - (b) In cases where the conservator/guardian opened the account with SIS, information will only be released to the fiduciary. In cases where the account was originally opened by the elder, information will be released to either the elder or the fiduciary.
    - (c) In the Guardian (or Conservator where the elder appears to lack the capacity to consent) refuses to sign a release, and additional information is needed to complete the investigation, the PSA may seek a Protective Order under Chapter 19A or action under the Guardianship Statute Chapter 201 to have the court order the release of records by the fiduciary/SIS. The PSA may request the court protect the elder's assets until the investigation is completed.

Investigation Protocol - SIS Bank and Greater Springfield Senior  
Page 3 Services, Inc.

D. In cases where the elder appears to lack the capacity to consent, and no fiduciary is acting on the client's behalf:

1. SIS bank will release information only with a consent signed by a court appointed fiduciary, a properly issued subpoena or an order of the court obtained through Chapter 19A (Protective Orders).
2. A PSA may seek to obtain information necessary to the completion of the investigation through a Protective Order (Chapter 19A), in accord with Protective Services Regulations 651 CMR 5.17, or an action brought under the Guardianship Statute, Chapter 201.

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SIS Representative

Agency Executive Director  
Greater Springfield Senior  
Services, Inc.

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Date

---

Date





# THE BANK REPORTING PROJECT

*An Edge Against Elder Financial Exploitation  
A Public/Private Partnership*

8 August 1995

WILLIAM F. WELD  
*Governor*

ALFREDO PAUL CELLUCCI  
*Lieutenant Governor*

SCOTT HARSHBARGER  
*Attorney General*

FRANKLIN P. OLLIVIERRE  
*Secretary,  
Executive Office of  
Elder Affairs*

PRISCILLA H. DOUGLAS  
*Secretary,  
Executive Office of  
Consumer Affairs and  
Business Regulation*

THOMAS J. CURRY  
*Acting Commissioner,  
Division of Banks*

KEVIN F. KILEY  
*Executive Vice President,  
Massachusetts  
Bankers Association*

Massachusetts Bank Reporting Project  
Advisory Committee

Dear Colleague:

The Bank Reporting Project is a unique venture joining public and private sectors to combat the financial exploitation of elders. By training bank employees to identify and report exploitation, many elders will be spared the agony of losing their life savings or homes.

You have been selected to review draft materials developed for the project because of your particular area of expertise. We are seeking comments and suggested changes from law enforcement, elders, elder advocates, bankers, protective services and others in related fields.

Two (2) training manuals and a narrative comment sheet for both manuals have been enclosed.

We would like to receive your written comments by August 31, sent to Gillian Price at the address below. A meeting will be held on Thursday, September 7, 1995 at 10:00 a.m. for those who would like to discuss the project and comment on the manual in person. The meeting will be held at the Federal Reserve Bank in the New England Room, 600 Atlantic Avenue, Boston. Questions may be directed to Gillian Price [617] 727-7750 x 222.

Your contribution to this project is most appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Franklin P. Ollivierre".

Franklin P. Ollivierre  
*Secretary  
Executive Office of Elder Affairs*



## **CONSENT TO THE RELEASE OF INFORMATION**

The information requested under this form will be released to a protective service agency which is empowered, along with the Executive Office of Elder Affairs, to investigate elder financial exploitation pursuant to M.G.L. c. 19A, §§ 14, 15, 16 and 17. The information may also be furnished to the District Attorney. Information obtained will only be used by these agencies in accordance with their official capacities and functions.

With this understanding, I, \_\_\_\_\_

Customer Name

Soc. Sec. #

who is currently living at: \_\_\_\_\_

Customer Address

hereby give my permission for the release to and exchange of information between

and \_\_\_\_\_

Agency Name

Financial Institution

Please release the following financial records to the above named agency:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This consent to the release of information will remain in effect for six (6) months following  
the date specified below. I can be contacted at \_\_\_\_\_

Phone number

questions concerning this release.

Customer signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

brp/rel-info.ps

**Appendix E**





# THE BANK REPORTING PROJECT

*An Edge Against Elder Financial Exploitation*  
*A Public/Private Partnership*

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## STATE OFFICIALS, BANKING INDUSTRY JOIN FORCES TO FIGHT FINANCIAL ABUSE OF ELDERS

WILLIAM F. WELD  
*Governor*

For Immediate Release:  
February 13, 1996

FRANCOIS PAUL CELLUCCI  
*Lieutenant Governor*

SCOTT HARSHBARGER  
*Attorney General*

FRANKLIN P. OLLIVIERRE  
*Secretary,  
Executive Office of  
Elder Affairs*

PRISCILLA H. DOUGLAS  
*Secretary,  
Executive Office of  
Consumer Affairs and  
Business Regulation*

THOMAS J. CURRY  
*Acting Commissioner,  
Division of Banks*

KEVIN F. KILEY  
*Executive Vice President,  
Massachusetts  
Bankers Association*

Officials from state government, law enforcement and the banking industry today joined together in unveiling a unique program to train bank employees how to identify, report and prevent financial exploitation of the elderly.

The Bank Reporting Project is designed to help protect elders from financial exploitation by scam artists and unscrupulous caretakers without sacrificing the confidentiality and control that we all value in our personal financial affairs. It seeks to establish an industry-wide standard that will help prevent victimization by both educating employees and by providing simple reporting procedures for banks that will enable more effective cooperation between bank officials, elder protective service agencies and local law enforcement.

The Project is a public/private partnership sponsored by the Executive Office of Elder Affairs, the Office of the Attorney General, the Executive Office of Consumer Affairs, the Division of Banks and the Massachusetts Bankers Association. It was formally announced today at a news conference at the Bank of Boston main branch on Federal Street in Boston.

"Unscrupulous family members and con artists had better beware: cases of financial exploitation against elders will be vigorously prosecuted," said Governor Weld F. Weld. "The Bank Reporting Project will make the prosecution faster and easier. And our new law targeting abuse against elders

(more)

Appendix F

ensures that the penalties for fraud against elders are stiffer than ever."

"Elders find it especially hard to acknowledge that they are being financially exploited and abused by family members or friends," said Franklin P. Ollivierre, Secretary of Elder Affairs. "All types of elder abuse are under-reported. Financial exploitation is often not discovered until elders' assets are depleted. Bank employees can help identify these situations so early intervention is possible."

"As the elder population increases, so does the rate of financial exploitation and other forms of abuse," said Attorney General Scott Harshbarger. "Scam artists don't use a gun or a knife, but the damage they do can be just as devastating because it comes at a time in the victim's life when he or she is least likely to be able to rebuild what they've lost."

"Bank employees are in a unique position to spot suspected financial scams against the elderly at an early stage because of their frequent contact with elder customers and their ability to detect deviations from sound financial practice," said Kevin F. Kiley, Executive Vice President of the Massachusetts Bankers Association. "We are pleased that more than 100 banks statewide have volunteered to participate in this partnership."

"Senior citizens are often afraid to speak up if they have been victimized," said Priscilla H. Douglas, Consumer Affairs Secretary. "This program will help those people, as well as elders who may not realize they've been taken advantage of."

The Bank Reporting Project was largely based on the pioneering work of the Springfield Institution for Savings and Shawmut Bank. Officials of both banks were presented with awards at today's news conference in recognition of their banks' efforts in this area.

\*\*\*\*\*

*Media Contacts:*

Derrek Shulman, Elder Affairs, (617) 727-7751, ext 314

Debbie Banda, Attorney General's Office, (617) 727-2543

# THE BANK REPORTING PROJECT

*An Edge Against Elder Financial Exploitation*

## PRESS CONFERENCE

**February 13, 1996**  
**2:00 p.m. - 2:30 p.m.**

**Lobby, Bank of Boston**  
**100 Federal Street**  
**Boston, MA**

## ORDER OF EVENTS

### WELCOME

**Ira Jackson, Senior Vice President**  
**Bank of Boston**

**Secretary Franklin P. Ollivierre**  
**Executive Office of Elder Affairs**

### REMARKS

**Governor William F. Weld**

**Attorney General Scott Harshbarger**

**Secretary Priscilla H. Douglas**  
**Executive Office of Consumer Affairs**

**Donald J. McGowan, Chairman**  
**Massachusetts Bankers Association**  
**President, Flagship Bank and Trust Company**  
**Worcester, MA**

## PRESENTATION OF CERTIFICATES OF ACHIEVEMENT

### **Award Recipients:**

**Deborah Rothschild, Director of Security**  
**Springfield Institution for Savings**

**Peter Howerton, Vice President Loss Prevention**  
**Shawmut Bank**

# THE BANK REPORTING PROJECT

*An Edge Against Elder Financial Exploitation*

## PROJECT OVERVIEW

- ◆ The BANK REPORTING PROJECT is a public/private initiative between state agencies and the Massachusetts Bankers Association. The Project is designed to establish a commitment to prevention and a swift and comprehensive response to cases of elder financial exploitation.
- ◆ Elders can be financially exploited by:
  - Family members, acquaintances and fiduciaries
  - Scam artists.
- ◆ Financial exploitation is under-recognized and under-reported. It is estimated to exist in 25% of all cases of elder abuse in Massachusetts. The true extent of financial exploitation through con artist scams is hard to assess. The Office of the Attorney General believes that only 3 to 8% of all scams are ever reported.
- ◆ The Project has:
  - *Created a consumer brochure.*  
The brochure, available through participating banks, educates consumers about financial traps and methods of protecting funds. This public education initiative is essential in preventing exploitation.
  - *Developed a model protocol for banks to report financial exploitation.*  
Participating banks may use this protocol to guide their employees in detecting and reporting possible cases of exploitation to the appropriate authorities.
  - *Created and implemented a train-the-trainer program.*  
Project staff train bank representatives throughout the Commonwealth to develop a core of instructors who return to train their own staff. Five training sessions have been conducted to date, and more are planned in the near future. This train-the-trainer model has proven to be effective in a variety of settings.

# THE BANK REPORTING PROJECT

## *An Edge Against Elder Financial Exploitation*

### CASE STUDIES OF FINANCIAL EXPLOITATION

*To preserve confidentiality, all personal identifiers have been removed from these cases.*

#### **Mrs. S.'s story:**

Mrs. S., aged 90, told a visitor someone was stealing from her. The visitor filed a report with Elder Protective Services. Mrs. S. was found to be confused, suicidal and without money for food. Bank statements in the house revealed that three cash withdrawals had been made, for \$12,000, \$9,000 and \$7,000, over a six month period. Mrs. S. stated she did not withdraw the money, and that no one had ever taken her to the bank. Although Mrs. S. appeared to have difficulty with her memory, a relative confirmed that she rarely left her home.

With Mrs. S.'s permission, the caseworker contacted her bank and obtained copies of the checks. The bank manager found out from records that a neighbor had brought Mrs. S. in to the bank on June 7, and added his name to the account. Four days later, he wrote the first check to himself for \$12,000.

Protective Services contacted the District Attorney's office. A state trooper interviewed the neighbor and threatened prosecution if the money was not returned immediately. The next day Mrs. S. received a cashier's check for \$28,000.00. As Mrs. S. became more demented, a court appointed guardian became necessary. The guardian discovered that Mrs. S.'s will had been changed, leaving her house and savings to the neighbor and his wife. As Mrs. S. had obviously not been competent at the time the will had been signed, the will was declared invalid.

#### **Mr. J.'s story:**

Mr. J., a ninety year old man, lives alone in his own home. He had a problem with the oil burner and called a repairman. The repairman, seeing that Mr. J. was alone, with no family, told Mr. J. that he would take care of him. He took him to the bank, and made four \$5,000 withdrawals within the space of ten days. He told Mr. J. that it was dangerous for him to drive. The repairman convinced Mr. J. to give him a two year old Mercedes. Before this gift was completed however, he took Mr. J. to the bank one more time to get the cash necessary to trade in the Mercedes for a new model. The bank reported the situation to Elder Protective Services. Working with Mr. J., they were able to end the financial exploitation and referred the case to the District Attorney. The oil burner had never been repaired.

**Mrs. F.'s story:**

When Joel and Tommy were evicted from their apartment, they moved in with their mother, Mrs. F., a frail 72 year old widow. Mrs. F. lives alone in public housing. She is entirely dependent on her small social security check, which she would take to the bank and cash as soon as it arrived. Joel and Tommy began escorting her to and from the bank to "keep her from being robbed." When they got home they would take the money and spend it on drugs. When Mrs. F. tried to resist, they began to threaten her. They told her that if she went to sleep she would "never wake up." One of them stayed with her all the time. After several weeks, when Mrs. F. was exhausted from sitting up in a chair all night afraid to go to sleep, and undernourished as she was deprived of food, she managed to escape. A neighbor found her weeping outside the apartment, and, with the building manager, made a report to Elder Protective Services.

Although Mrs. F. was initially reluctant to admit that her much loved sons were abusing her, she agreed that the Protective Services caseworker could help her open an account at the nearest bank and arrange for Direct Deposit of her check. She and the caseworker told the bank security director that she had been threatened previously. The bank agreed to watch out for her safety, and her building manager agreed to ban the sons from her building.

Bank employees soon noticed Joel in the bank threatening Mrs. F.. She called her Protective Services caseworker from the bank and was helped to return home safely. After this experience, she agreed to take out a restraining order against Joel. Mrs. F. was later able to reestablish a relationship with Tommy, who was referred by the caseworker for treatment for his substance abuse, and later entered job training. They meet outside her apartment several times a year. Mrs. F. is no longer being abused and financially exploited.

**Mr. R.'s story:**

Mr. R., a 65 year old mentally retarded man, was making cash withdrawals at his bank using seven different credit cards. He had accumulated over \$ 5,000 of unpaid bills, which he did not understand needed to be paid. His friends and social worker did not know how he had obtained these cards. Mr. R. is unable to read or write, other than signing his name.

When the Protective Services caseworker asked, Mr. R. told him that someone had asked to borrow money - but he would not give a name. While Mr. R. appears to want help dealing with creditors, he continues to protect this person. The bank provided a copy of one credit card application form, revealing falsified information completed in neat block print. A friend who is a florist, and her husband who is an attorney, may have been helping Mr. R. manage his money.

This case has been referred to the District Attorney while the investigation continues.

## *MASSACHUSETTS BANK REPORTING PROJECT PRELIMINARY LISTING OF PARTICIPATING BANKS*

*\*\*\*This is a preliminary listing and may not include banks that are  
in the process of signing up to participate in the project.\*\*\**

Abington Savings Bank  
Adams Co-operative Bank  
Albank, FSB  
Andover Bank  
Bank of Boston  
Bank of Braintree  
Bank of Canton  
Bank of Fall River, A Co-operative Bank  
Bank of Western Massachusetts  
Bay State Savings Bank  
BayBank  
Belmont Savings Bank  
Berkshire County Savings Bank  
Beverly National Bank  
Boston Bank of Commerce  
Bridgewater Co-operative Bank  
Bridgewater Savings Bank  
Bristol County Savings Bank  
Brookline Savings Bank  
Cambridge Savings Bank  
Cambridge Trust Company  
Cambridgeport Bank  
Canton Co-operative Bank  
Cape Ann Savings Bank  
Cape Cod Bank & Trust Co.  
Cape Cod Five Cents Savings Bank  
CapeBank

## *MASSACHUSETTS BANK REPORTING PROJECT PRELIMINARY LISTING OF PARTICIPATING BANKS*

*\*\*\*This is a preliminary listing and may not include banks that are  
in the process of signing up to participate in the project.\*\*\**

Central Co-operative Bank  
Chelsea-Provident Co-operative Bank  
Chicopee Savings Bank  
Citizens Bank of Massachusetts  
Citizens-Union Savings Bank  
City Savings Bank  
Clinton Savings Bank  
Commerce Bank  
Compass Bank For Savings  
Co-operative Bank of Concord  
Country Bank For Savings  
Danvers Savings Bank  
Dedham Institution for Savings  
East Boston Savings Bank  
East Cambridge Savings Bank  
Eastern Bank  
Easthampton Savings Bank  
Enterprise Bank and Trust  
Fall River Five Cents Savings Bank  
Falmouth Co-operative Bank  
Family Bank, FSB  
First Essex Bank, FSB  
First National Bank of the Berkshires  
First & Ocean National Bank  
Fitchburg Savings Bank  
Flagship Bank and Trust  
Florence Savings Bank

## *MASSACHUSETTS BANK REPORTING PROJECT PRELIMINARY LISTING OF PARTICIPATING BANKS*

*\*\*\*This is a preliminary listing and may not include banks that are  
in the process of signing up to participate in the project.\*\*\**

Foxboro National Bank  
Foxborough Savings Bank  
Framingham Co-operative Bank  
Framingham Savings Bank  
George Peabody Co-operative Bank  
Gloucester Bank & Trust Company  
Granite Savings Bank  
Great Barrington Savings Bank  
Greater Boston Bank  
Greenfield Savings Bank  
Grove Bank  
Hampden Savings Bank  
Hibernia Savings Bank  
Hingham Institution For Savings  
Hudson National Bank  
Hyde Park Co-operative Bank  
Hyde Park Savings Bank  
Lafayette Federal Savings Bank  
Lee Bank  
Leicester Savings Bank  
Lenox National Bank  
Lenox Savings Bank  
Liberty Bank and Trust  
Lowell Five Cent Savings Bank  
Mansfield Co-operative Bank  
MASSBANK for Savings  
Mayflower Co-operative Bank

**MASSACHUSETTS BANK REPORTING PROJECT  
PRELIMINARY LISTING OF PARTICIPATING BANKS**

*\*\*\*This is a preliminary listing and may not include banks that are  
in the process of signing up to participate in the project.\*\*\**

Medford Savings Bank  
Medway Savings Bank  
Meetinghouse Co-operative Bank  
Mercantile Bank  
Merrimac Savings Bank  
Milford National Bank  
Millbury National Bank  
Millbury Savings Bank  
Nantucket Bank  
Natick Federal Savings Bank  
National Bank of Fairhaven  
National Grand Bank of Marblehead  
Newburyport 5 Cents Savings Bank  
North Adams Hoosac Savings Bank  
North Easton Savings Bank  
North Middlesex Savings Bank  
Northern Bank & Trust Co.  
Northmark Bank  
Norwood Co-operative Bank  
Park West Bank and Trust Company  
Pentucket Bank  
Peoples Savings Bank  
Pittsfield Co-operative Bank  
Plymouth Savings Bank  
PNC Bank, New England  
Randolph Savings Bank  
Revere Federal Savings & Loan Association

## **MASSACHUSETTS BANK REPORTING PROJECT PRELIMINARY LISTING OF PARTICIPATING BANKS**

**\*\*\*This is a preliminary listing and may not include banks that are  
in the process of signing up to participate in the project.\*\*\***

Rockland Savings Bank  
Rockland Trust Company  
Roslindale Co-operative Bank  
Salem Five Cents Savings Bank  
Saugus Co-operative Bank  
Scituate Federal Savings Bank  
Shawmut Bank  
Shirley Co-operative Bank  
Somerset Savings Bank  
South Adams Savings Bank  
Southbridge Savings Bank  
Spencer Savings Bank  
Springfield Institution For Savings  
State Street Bank & Trust Company  
Stoneham Savings Bank  
The Federal Savings Bank (Waltham)  
The Savings Bank (Wakefield)  
Unibank For Savings  
United Co-operative Bank  
USTrust  
Wakefield Co-operative Bank  
Warren Five Cents Savings Bank  
Washington Savings Bank  
Watertown Savings Bank  
Webster Five Cents Savings Bank  
Westborough Savings Bank  
Westfield Savings Bank

**MASSACHUSETTS BANK REPORTING PROJECT  
PRELIMINARY LISTING OF PARTICIPATING BANKS**

*\*\*\*This is a preliminary listing and may not include banks that are  
in the process of signing up to participate in the project.\*\*\**

Weymouth Co-operative Bank  
Weymouth Savings Bank  
Williamstown Savings Bank  
Winchester Savings Bank  
Woronoco Savings Bank  
Wrentham Co-operative Bank

**CERTIFICATE OF ACHIEVEMENT**  
**MASSACHUSETTS BANK REPORTING PROJECT**

**Presented by the Executive Office of Elder Affairs**

**IN COLLABORATION WITH**

<b>The Executive Office of Consumer Affairs</b>	<b>The Division of Banks</b>	<b>The Office of the Attorney General</b>	<b>The Massachusetts Bankers Association</b>
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**PRESENTED ON FEBRUARY 13, 1996, TO**

**SHAWMUT BANK**

**In recognition of its pioneering role and commitment to this significant  
initiative to protect Massachusetts elders from financial exploitation.**

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<b>Secretary of Elder Affairs</b>	<b>Attorney General</b>	<b>Commissioner, Division of Banks</b>	<b>Executive Vice President Massachusetts Bankers Association</b>
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## RESOURCES IN OTHER STATES

The following is a list of people in states other than Massachusetts who are experts in the field, have been active in training bank employees to recognize financial exploitation, or have attempted to replicate the Massachusetts Bank Reporting Project on a state-wide or regional basis. Some states have had significant success in replicating or adapting our model. Notable in these attempts are New York, Utah, Michigan and Maine. The list is not exhaustive, please contact us if you have other suggestions. In Massachusetts, we also suggest that you contact leaders in our pilot projects, familiar with the financial industry. Deborah Rothschild can be reached at Greater Springfield Senior Services, Inc. (413) 781-8800; and Peter Howerton of Fleet Bank at (617) 346-3049.

### California

Susan J. Aziz  
Vice-President Advocacy and Information  
Program  
Wise Senior Services  
1527 Fourth Street  
Santa Monica, California 90401  
(310) 394-9871

Maxine Fischer  
Program Manager  
Adult Protective Services  
San Diego Dept. of the Area Agency on Aging  
9335 Hazard Way, Suite 100  
San Diego, California 92123-1222  
(619) 495-5080

Lisa Neremberg  
Goldman Institute on Aging  
3330 Geary Blvd.  
San Francisco, California 94118  
(415) 750-4137

### Colorado

Joanne Marlatt  
Program Administrator for Adult Protective  
Services/Assisted Living  
Colorado Dept. of Human Services  
Division of Aging and Adult Services  
110 16th. Street, Suite 200  
Denver, Colorado 82020  
(303) 620-4137

### Connecticut

Kate Hathom  
Director  
CT Violence Prevention Training Network  
257 West Main St.  
Meridien, Connecticut 06451  
(203) 235-4937

### District of Columbia

Thomas J. Hennrikus  
Program Coordinator  
Advocates for Older People  
2136 Pennsylvania Ave.  
Washington, D.C. 20052  
(202) 293-4043

### Georgia

Mary Martha Allen, APS Program Consultant  
Georgia Dept. of Human Resources  
Division of Family and Children Services  
Two Peachtree St., Suite 12-14  
Atlanta, Georgia 30303-3180  
(404) 657-3416

### Indiana

Morris Brown  
Program Coordinator, Aging/Home Services  
Division of Aging and Rehabilitative Services  
402 West Washington Street  
PO Box 7083  
Indianapolis, Indiana 46207-7083  
(317) 232-0135

**Kentucky**

R. Thom Snyder  
Executive Director  
St. William Center, Inc  
1226 West Oak St.  
Louisville, Kentucky 40210  
(502) 634-0531

**Maine**

A. Ricker Hamilton  
Protective Program Administrator  
Bureau of Elder and Adult Services  
11 State House Station  
Augusta, Maine 04333-0011  
207-822-2150

**Michigan**

Mark Manrique  
Office of Services to the Aging  
P.O.Box 30026  
Lancing, Michigan 48906  
(517) 373-4076

**Missouri**

Conrad Moody  
Training Technician  
Department of Social Services  
Division of Aging  
615 Howerton Court  
Jefferson City, Missouri 65102  
(573) 751-8493

**Montana**

Todd Wood  
Community Social Worker  
Department of Child and Family Services  
2508 3rd Avenue North  
Billings, Montana 59101  
(406) 657-3178

**New Jersey**

Bill Horahan  
New Jersey State Banking Dept.  
P.O.Box CN040  
Trenton, New Jersey 08625  
(609) 984-2787

**New York**

Kathleen Crowe  
Department of Social Services  
Adult Protective Services  
40 Pearl Street  
Albany, New York  
(518) 432-2985

**Ohio**

Erika Taylor  
Bureau of Adult Services  
Ohio Dept. of Human Services  
65 E. State St., 5th floor  
Columbus, Ohio 43215  
(614) 466-0995

**Oregon**

Aileen Kaye, Protective Services Coordinator  
Senior and Disabled Services Division  
500 Summer St, Snd floor.  
Salem, Oregon 97302  
(503) 945-8834

**Pennsylvania**

Nancy Everson  
Director  
Berks County Office of Aging  
633 Court St.  
Reading, Pennsylvania 19601-4303  
(610) 478-6500

**Rhode Island**

Paul Hodge  
Director of Investigations  
Medicaid Fraud Control Unit  
Dept. of the Attorney General  
150 South Main St.  
Providence, RI 02903  
(401) 274-4400, x2280

**Virginia**

Joy Duke  
Consultant  
Virginia Dept. of Social Services  
730 East Broad Street  
Richmond, Virginia 23219-1849  
(804) 692-1260

**Utah**

Nancy Stallings  
Adult Protective Services  
P.O.Box 45500  
Salt Lake City, Utah 84145-0500  
(801) 538-4339





